Proceedings of the First Session of the Legislative Council of the Governor of Madras assembled for the purpose of making Laws and Regulations under the provisions of the Government of India Act (5 & 6 Geo. V, Ch. 61, 6 & 7 Geo. V, Ch. 37, and 9 & 10 Geo. V, Ch. 101).

The Council assembled at the Council Chamber, Fort St. George, at 11 a.m. on Monday, the 14th day of February 1921, the Hon'ble Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR Avargal, K.C.S.I., C.I.E., presiding.

New Members.

The following gentlemen took the prescribed oath or affirmation of allegiance to the Crown and then took their seats :—

(i) Khan Bahadur Sir MIRZA ABDUL HUSSAIN SAHIB Bahadur, *Kt.*
(ii) M.R.Ry. KASARAGOD SADASIVA BHAT Avargal.
(iii) M.R.Ry. KUTHIRAVATTATH PRABHAKARAN THAMPAN Avargal.
(iv) Mr. ALBERT EDWARD RENCONTRE.

His Excellency the Governor's speech.

His Excellency LORD WILLINGDON then addressed the Council as follows :—

"Mr. President and Members of the Legislative Council : It is but a few weeks ago since with impressive dignity His Royal Highnsss the Duke of Connaught inaugurated our new Reformed Council and spoke to us words of advice, of hope and encouragement which I am sure will always remain in our minds and guide our future actions. To-day we meet to commence our first business session and it is my duty, as head of the administration, to give some indication to Members of the Council of the immediate business that will be brought before them, to make a reference to any general matters affecting the welfare of our Province and its people, and to state generally what further legislative proposals are under the consideration of Government with a view to introduction in the near future.

"But before doing so, I wish to express my feelings of pride and satisfaction, feelings which I am certain are shared by every member of this Council, at the splendid greeting which was given to His Royal Highness by all classes and communities of the citizens of our Presidency on his arrival in Madras, and the respectful and cordial welcome which he received wherever he went in fulfilment of his public engagements. Of the misguided efforts on the part of non-co-operators to boycott the visit of our royal guest I need say nothing, except that to the outward eye they met with no success. The oldest Presidency in India has fully upheld her reputation of loyalty and devotion to our King-Emperor by her reception of his royal representative to our capital city. His mission will, I trust, produce more and more a spirit of co-operation and good will amongst all those who are sincerely working to prepare India for her position of absolute equality amongst the nations that comprise the British Empire.

"With regard to immediate legislation during the coming session, Government propose to introduce the following Bills :—

A Bill to fix the pay of the Deputy President,

A Survey Bill which has already been published, and

A Bill to amend the Madras Cattle Diseases Act with a view to deal with the question of the impounding of diseased cattle.

"The Budget will be placed before Members for their consideration in March, after the conclusion of the discussion on which the Council will be prorogued.

"I regret to have to say that owing to shortage of rain test works for famine relief have had to be started in certain districts in the Presidency. Members can rest assured that Government are fully alive to the necessities of the situation, and the recent visit of the Member of the Government who is in charge of the Revenue Department to the most severely affected localities will, I hope, satisfy them that everything possible is being and will be done to relieve the distress which is inevitable when such conditions arise.

"It is a matter of keen satisfaction to the Government, and I am sure also to every Member in this Council, that the protracted labour dispute at the Buckingham Mills which has caused so much misery and distress to thousands of workmen and their families has been settled. Our thanks are sincerely due to all those who negotiated this amicable settlement and for the spirit of compromise and mutual goodwill which has brought about such a satisfactory result. Let me add in this connexion that, while it is true that at the present time the world is passing through a period of serious financial and economic depression, I am sanguine enough to believe that before long this country will be enjoying a period of considerable industrial advance. With the lessons we can learn from the experiences of the most highly developed industrial countries, I trust that we shall always realize that the employer who brings the money and management into any venture, and the workman who supplies the labour, which are the two main factors to ensure its success, should not be in continual antagonism to each other, but should work in the closest co-operation to secure the prosperity of any industrial project. This may seem to many, an impossible ideal to attain, but I am certain that if employers and employed could establish the relations of confidence and partnership, we should hear little of these labour troubles which have caused us so much anxiety during the past two years.

"I think it must be clear to Members of the Council that the present voluntary machinery which we have established may have to be replaced by a legislative measure. Government are carefully considering the question of legislation for placing unions on a legal basis, for devising proper machinery to prevent lightning strikes or sudden lock-outs, especially in public utility services, and to minimise inconvenience to the public necessarily incident to any struggle between capital and labour. We wish to introduce legislation suitable to our country which is yet in the early stages of industrial development, to encourage industrial development on proper lines without in any way hampering or shackling it by legislation based on more idealistic theories.

"As regards the other legislation which we are likely to undertake in the near future, I would remind the Council, in the first place, that the year 1920, the last year of the old Council, was a very fruitful one in the matter of legislation. The Council passed no less than 15 Bills into law, most of them dealing with matters which had long been under consideration. The most important of these were those dealing with Children, Elementary Education, Municipalities, Local Boards, Village Panchayats and Town Planning, which, it is hoped, have placed the general law relating to education and Local Self-Government on a fairly up-to-date basis. In saying this, I do not mean to say that there is not much scope for further legislation in these departments, but it is probable that some time will be taken in ensuring the satisfactory working of the new Acts which have just been brought into force. My Ministers are, however, fully aware of

the necessity that exists for several further measures for the welfare of the people, of which the following may be mentioned as matters that are at present in sight:—

"(1) The question of undertaking legislation for the better organization of maternity aid and for securing the conditions necessary for reducing infantile mortality and for enabling the proper rearing up of children, particularly of the poorer classes. It may, if decided on, take the shape either of an amendment of the District Municipalities Act and Local Boards Act or of a separate enactment altogether.

"(2) A Housing Bill: in the Town Planning Act, we left the problem of housing alone Attempts were made in the Select Committee and in Council to enlarge its scope so as to include housing, but, though we did insert one or two provisions for meeting the needs of the poorer classes, we took the line that the main problem of housing should be reserved for separate legislation. The details of this legislation have yet to be elaborated.

"(3) A special law for housing Industrial Labour.

"Another question of great importance arising in the Ministry of Local Self-Government is that of controlling the administration of religious and charitable endowments and escheats. This is a matter in respect of which much anxiety for legislation has been shown by Members of this Council and more than one private Bill has been introduced. It was difficult for progress to be made pending the disposal of certain general questions by the Government of India. They have now enacted Act XIV of 1920, which forms a basis of administration, and my Government propose to supplement this, as soon as proposals can be got ready, by a local and more detailed Act.

"In the Ministry of Development, there is no legislation other than the Bill to amend the Cattle Diseases Act immediately under contemplation, but there are sundry matters now in hand which may ultimately lead to it.

"While therefore in the case of the transferred subjects, the recent large output of legislation has rendered any large immediate activity unnecessary, the case is different on the reserved side of the Government, where the enlargement of the Executive Council makes it possible to take up projects some of which have been under examination for a great many years. The need has long been felt for a measure defining the rights and obligations of landlords and others in respect of irrigation and I think I am right in saying that half a century has passed since proposals for legislation on this subject were first entertained. A draft Bill was prepared in the course of the last recess at Ootacamund and the Honourable Member in charge hopes soon to be able to take action upon it.

"Another very important matter in respect of which legislation has to be introduced is to define the principles of Land Revenue Settlement. This is a matter dealt with by the Joint Committee of the Houses of Lords and Commons. My Government realise that Honourable Members are anxious to see the text of the Bill. The matter is a very difficult one and I am afraid it will take some time before it will be complete, but I can assure them that every effort is being made to expedite its preparation.

"Meanwhile another very large measure is in hand, viz., the revision of the Madras Estates Land Act. Some of the older members of this Council will remember the prolonged and anxious discussions which took place in 1908 when an attempt was first made to define the relations of landlord and tenant in estates. We have now some 12 years' experience of the Act and many doubts and difficulties have arisen, so much so that four or five private Members' Bills have been introduced in previous Councils for dealing with the question. The whole matter

is now being dealt with in one comprehensive Bill by the Hon'ble the Law Member.

"A minor matter in the same connexion is the extension of the Malabar Compensation for Tenants' Improvements Act to the Wynad which it is hoped, by the greater security of tenure which it gives, will aid in the development of that undeveloped area.

"The administration of our ports, though it is largely an imperial matter, is conducted through means of a number of excluded local funds collected under a variety of enactments. In the case of the larger ports, a policy of development is very urgently necessary and at the same time it seems desirable to adopt one of greater co-ordination in respect of these small funds. The whole question is under examination the result of which is likely to be the introduction of Bills to provide for Port Trusts in some of the larger ports and to amend the Landing and Shipping Dues Act which applies to the minor ones in such a way as to give greater powers to the local committees. At the same time it is proposed to repeal the Madras Ports Police Act of 1871 which is not now in force in any port.

"I have now laid before Members of the Council the legislative business which they will be asked to consider and have only a few words to add in conclusion. It will have been observed that I have reduced the number of nominated officials to a very low limit. This is an experiment which I am fully aware will place a great strain on Executive Councillors and Ministers owing to the fact that they will not have as heretofore the support of official experts to assist them in debate, and I must express my thanks to them all that as far as possible they readily agreed to this arrangement. But it will also put a greater responsibility on non-official Members for the conduct of the course of the discussions. From the experience I have gained here of the work of the Legislative Council in the past, I am fully confident that this experiment will prove a success and that under the guidance of your President the work of this Council will be carried on in a thoroughly satisfactory and parliamentary manner.

"As head of the Government and as one who for nearly eight of the best years of his life has served your country, has endeavoured to secure goodwill and co-operation between our two races, and has striven to the best of his ability for its progress and advance, my earnest prayer is that a Divine Providence may guide every Member of this Council to labour with unselfish devotion to secure the ever-increasing prosperity and happiness of all classes of the citizens of our Presidency."

The late Mr. Chandrasekhara Mudaliyar.

The Hon'ble Sir LIONEL DAVIDSON :—"Mr. President, with your permission and before the Council proceeds to the ordinary business of the day, I beg leave to invite attention to the loss that we have sustained by the death of Rao Bahadur Saidapet Chandrasekhara Mudaliyar. Mr. Chandrasekhara Mudaliyar entered the Medical Department as a civil apothecary in 1882 and his services continued until 1919, having been specially extended owing to the exigencies of the war and to the high character and reputation which he himself bore. The bulk of his long service was spent in the districts of South Arcot and Vizagapatam There are present in this room many who are far better fitted than I to say how admirably he discharged his duties and how generally he gained the affections of his patients and others moving within the sphere of his official work. In 1913 his services were recognized by the title of Rao Sahib. Later, in 1917, his title was raised to the higher dignity of Rao Bahadur. I have ascertained that the principal grounds for this preferment were the fact of his long service, the high respect

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in which he was held in the Northern Circars, where most of his service had been spent, and the excellent influence for good which he had exercised over the students as an instructor in the medical school at Vizagapatam. I have made it my business to ask in what repute he was held by the head of his department—Surgeon-General Giffard. The answer to my enquiry was that Rao Bahadur Chandrasekhara Mudaliyar was an excellent operator, a good doctor, universally popular with his patients and a very capable and efficient manager of the medical school. Starting life as a civil apothecary, our late colleague ended up as a District Medical and Sanitary Officer in charge of one of the most important districts of the Presidency, with the added responsibility of care of a large medical school. The respect in which he was held by his neighbours could have no stronger testimony than the result of the election to this Council. Standing as a candidate for the Vizagapatam urban constituency, he polled 351 votes out of 717 registered, that is, nearly 50 per cent of the total poll and almost double the votes registered for the next of the four candidates who appeared for that constituency. Nor can it be said that he was not a real representative of the constituency; for the records show that 72 per cent of the voters went to the poll.

"I have now, Sir, only with your leave and the leave of the Council, to move that we place upon record the sense of our sincere regret of Rao Bahadur S Chandrasekhara Mudasiyar's death and our desire to send our condolances to his family. The terms of the resolution which, with your leave, I will now place before the Council, are:—

'*That an expression of the sincere regret of this Council at the death of Rao Bahadur S. Chandrasekhara Mudaliyar and of deep sympathy with his bereaved family be placed on record and conveyed to them*'."

Mr. R. SRINIVASA AYYANGAR:—"Mr. President, I beg to be permitted to associate myself with the sentiments expressed by the Hon'ble Sir Lionel Davidson. Though the deceased was known ordinarily as Saidapet Chandrasekhara Mudaliyar, we, of South Arcot, have known him for a much longer period, because the first place to which he came as a civil apothecary was Tirukkoyilur. He joined the service in 1882 when I was a boy of about ten years of age and I have known him for over 35 years, and he had been a very successful doctor, able physician and skilful surgeon and a sympathetic gentleman to boot. He has also been known for his wide outlook and broad-minded sympathy. He had been of great help to the poor, and five or six years ago, when he came back to our district in a much higher position as District Medical and Sanitary Officer, he gave us ample proof of his broad sympathy and wide outlook. To us the loss is almost personal because he has by his popularity left an indelible mark in our district. Therefore, I wish, Sir, you would permit me to join with the mover in the sentiments which he has given expression to and in the resolution which he has just placed before us, that a message of condolence should be sent to his family."

Rao Bahadur A. P. PATRO:—"On behalf of the Telugu-speaking people of Ganjam and Vizagapatam districts, I beg to associate myself fully with the sentiments expressed in the resolution. We have known Mr. S. Chandrasekhara Mudaliyar for years in our districts not merely as a doctor but as a person of high character and a friend of the poor, and he has always associated himself with the social welfare of the people; and as such his loss is immensely felt by us. I therefore join with my previous speakers in supporting the resolution."

Rao Sahib U. RAMA RAO:—"Mr. President, I would like to associate myself with this resolution because I feel I have lost a personal friend. It is through his advice and encouragement that I joined the department of Medicine. It was

about 22 years ago that I went before him for an examination of my physical fitness, and it was he that examined me and said that I am fit to join the Medical department. Even then, so long ago, he had already made a mark as a good physician and surgeon. He was at Mangalore when I went to get myself examined. He was always popular with his patients of whom he had a large number. He was a guiding star in our profession. He has done the largest number of operations that an Indian can do or have done. Therefore, we the members of the medical profession do feel that we have lost one of our eminent men in the profession. Few Indians have made such a name. Therefore he is a loss not only to the Council but also to the profession. With these few words, I would like to associate myself with the resolution that has just now been placed before the Council."

The Hon'ble the PRESIDENT :—"I take it that it is the wish of the Council to pass this resolution standing."

The members rose in their seats and the Hon'ble the President declared the resolution duly passed.

The Hon'ble the PRESIDENT :—"I have to inform the Council that His Excellency the Governor has approved the election of M.R.Ry. Diwan Bahadur P. Kesava Pillai Avargal as Deputy President of the Council.

"The next subject in the agenda is Questions and Answers. I may mention to Honourable Members that it has not been possible for the Government to send in answers to all the questions as was usually done on previous occasions. The answering of questions will have to be spread over a number of days. As the answers are coming in, they will be printed and placed in advance on the table of the Council so as to enable the Honourable Members to put supplementary questions if they wish to do so."

QUESTIONS AND ANSWERS.

[*Order made by the President of the Madras Legislative Council under Standing Order No.* 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner :—

The Secretary shall call the name of each interpellator in alphabetical order, specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Fall of Sea-borne Trade of Masulipatam.

1 Q.—Mr. ANKINEDU PRASAD : To ask the Hon'ble the Member for Finance whether—

(*a*) the sea-borne trade of Masulipatam has fallen considerably recently owing to the neglected condition of the port; and

(*b*) any steps have been taken to have the obstruction removed by means of carrying dredging operations in spite of representations to that effect.

A.—(*a*) The sea-borne trade of Masulipatam has fallen considerably since 1907. The principal cause was the opening of the Bezwada-Masulipatam Railway in that year.

(*b*) No representations have been received by the Government requesting the removal by dredging of any obstruction. The Government understand from the Presidency Port Officer that a proposal for

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deepening the canal opposite certain wharves was made in 1918, but that the Port Officer, Cocanada, did not consider the work necessary.

Experimental weaving factories in the Presidency.

2 Q.—Mr. ANKINEDU PRASAD: To ask the Hon'ble the Minister for Development—

(*a*) whether the Government have perused the article on the hand-loom weaving industry by Sir Alfred Chatterton that appeared in the *Madras Mail* dated 13th January 1921; and

(*b*) whether there are any factories in the Presidency like the experimental weaving factory maintained by the Mysore Government at Bangalore.

A.—(*a*) The answer is in the affirmative.

(*b*) There is at present no such factory.

Irrigation projects in Ganjam.

3 Q.—Mr. S. BISWANATH DAS: To ask the Hon'ble the Member for Public Works (Irrigation)—

(*a*) to state if any investigation of possible irrigation projects was ever made in the Ganjām district;

(*b*) to place the connected reports on the table; and

(*c*) if the Government have considered the desirability of taking up any irrigation project this year with a view to provide labour and also to improve the irrigation facilities in the affected areas.

A.—(*a*) A list of irrigation projects investigated in the Ganjām district is laid on the table.*

(*b*) The Government do not consider that any useful purpose would be served by placing the reports on the table. If the Member wishes to see the report on any particular project, it will be furnished to him.

(*c*) The matter is receiving the attention of the Government.

The Member began reading the question from the printed list.

The Hon'ble the PRESIDENT (*interrupting*):—"The Honourable Member need not read the question. He will be taken to have read it. That is why it has been printed. If he has any supplementary questions to ask, he can do so; probably he has none."

Mr. S. BISVANATH DAS:—"I beg your pardon. I have got a supplementary question. Will the Government be pleased to state what is the source of information regarding the famine-affected areas of Kallikota and Surada?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I think it hardly arises out of this question."

Collection of premium from the ryots in the Kistna district.

4 Q.—Mr. K. GOPALAKRISHNAYYA: To ask the Hon'ble the Member for Revenue—

(*a*) How long the labours of the special Ayacut Department in the Kistna district would continue and at what cost;

* Vide Appendix I on pages 39—41 infra.

(*b*) whether it is the intention of the Government to collect from the ryots a premium of Rs. 25 or so per acre of land proposed to be newly included in the ayacut and if so, on what basis and for what purpose.

A.—(*a*) The work of localization of irrigable areas in the Kistna Eastern and Gōdāvari Western deltas of the Kistna district is expected to continue until 30th September 1921. The cost of the staff at present engaged on the work is Rs. 1,728 per mensem. On the completion of the work in the Kistna Eastern delta, the staff will be reduced.

(*b*) A fee of Rs. 25 per acre has been prescribed subject to the exception that in the case of eksal lands which have been under irrigation for five years or more continuously, Rs. 12-8-0 per acre should be charged.

The fee was prescribed on the basis of

(i) the expenditure which has already been, or will be, incurred by the Government,

(ii) the rates offered by ryots for transfer to them of the irrigation rights of others, and

(iii) the rates paid by ryots to a private pumping installation for providing irrigation facilities.

The object of the levy of the fee is to meet the cost of the localization operations which is considerable. The expenditure includes (1) the cost of the special staff, (2) the amount of compensation payable to the owners of settlement wet lands which have been excluded from the ayacuts, and (3) the cost of remodelling the channels so as to suit the final wet ayacut.

Diwan Bahadur M. Ramachandra Rao Pantulu :—"Sir, I should like to ask the Hon'ble Member for Land Revenue and Irrigation as to why the cost of remodelling is to be recovered from the ryots as suggested in paragraph 3, clause (*b*) of Q. 4. I take it that it has been the policy hitherto to charge the remodelling charges to the irrigation scheme."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"I would simply invite the attention of the Honourable Member to answer (*b*) where specific reasons have been urged. I have nothing more to add."

Diwan Bahadur M. Ramachandra Rao Pantulu :—"I am afraid, Sir, the Honourable Member has not understood my question. I wish to ask him why it is now proposed to debit the cost of remodelling the channels to the ryots when, as a matter of fact, the policy hitherto has been to charge it to the irrigation scheme. It came out of provincial funds hitherto. I should like to know why it is now proposed to levy Rs. 25 per acre. That is the question for which there is no answer in clause (*b*) of Q. 4."

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"I should like to have notice of this question so that I might investigate."

Diwan Bahadur M. Ramachandra Rao Pantulu :—"I should also like to know what is the extent on which the charge, the inclusion fee of Rs. 25 is proposed to be levied. The area is not mentioned in the answer. I should like to know from the Hon'ble Member in charge of Land Revenue and Irrigation what is the extent of wet lands on which it is proposed to charge Rs. 25 and Rs. 12-8-0 per acre as mentioned in clause (*b*)."

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The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"We have only a rough estimate at the present moment in our hands and I am not in a position now to give an accurate answer to that question."

Land Revenue Bill.

5 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Member for Revenue whether the Government propose to introduce the Land Revenue Bill in the next sessions of the Council.

A.—The Government have not yet received the draft Bill from the Board of Revenue and it is not likely to be ready for introduction in the next session of the Council.

Tanjore Resettlement Report.

6 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Member for Revenue—

(*a*) whether the Government have received the report of the Settlement Officer on the Tanjore resettlement;

(*b*) if the answer is in the affirmative, to place the same before the Council.

A.—(*a*) The Government have received copies of the special supplement to the *Tanjore District Gazette* of January 1921 containing the scheme report of the Special Settlement Officer for the resettlement of the Tanjore district.

(*b*) A copy of the report will be supplied to any Member of the Council who applies for it.

Factory Legislation.

7 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Member for Law whether the Government will introduce the Factory Legislation at an early date in accordance with the recommendations of the International Labour Conference.

A.—Such Legislation has to be introduced in the Indian Legislature.

Kannambadi dam.

8 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Member for Revenue to state in what stage the preliminary discussions that took place between the representatives of the Madras and Mysore Governments in regard to Kannambadi dam now stand.

A.—The Member is referred to the answer given to question No. 34 asked by M.R.Ry T. Somasundara Mudaliyar Avargal.

Pay and prospects of non-gazetted Government officers.

9 Q.—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Member for Finance to state—

(*a*) whether the Government have received the report of Mr. A. R. Knapp, I.C.S., Special Officer deputed to report on the re-organization of pay and prospects of non-gazetted Government officers;

(*b*) if the reply is in the affirmative, to place the report on the table.

A—(*a*) Mr. Knapp has not submitted any formal report.

(*b*) Subject to the approval of the Government of India, the Government will endeavour to bring out details of the proposals arrived at in consultation with him in the budget which is shortly to be presented to the Council.

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Number of Indian Collectors and District Police Superintendents in the Presidency.

10 Q.—Mr. V. Hamid Sultan Marakkayar : To ask the Hon'ble the Member for Finance—

(*a*) to place on the table the total number of Indian Collectors and District Police Superintendents in the Presidency ;

(*b*) to state how many of them are Muhammadans, non-Muhammadans and Christians.

A.—The Member is referred to the Quarterly Civil List which gives the information he requires.

Indian passengers proceeding to Straits Settlements.

11 Q.—Mr. V. Hamid Sultan Marakkayar : To ask the Hon'ble the Home Member to state—

(*a*) if it is a fact that the Government of the Straits Settlements and Federated Malay States do not insist upon passports for passengers leaving their Colonies ;

(*b*) if the Government will be pleased to recommend to the Government of India to withdraw the passport restrictions laid down under the Defence of India Rules of 1917 for Indian passengers proceeding hence to the Straits Settlements and Federated Malay States.

A.—(*a*) The Government of the Straits Settlements and the Federated Malay States do not now insist on the possession of passports in the case of British-Indian subjects entering or leaving their Colony.

(*b*) The necessary orders have already been issued. The attention of the Member is invited to the Press Communiqué, dated the 25th January 1921.

Report of the Jails Committee.

12 Q.—Mr. V. Hamid Sultan Marakkayar : To ask the Hon'ble the Member for Law to state—

(*a*) with reference to the interpellation No. 3 put by the Hon'ble Khan Bahadur A. K. G. Ahmad Tambi Marakkayar at the meeting of the Council held on 28th September 1920 and the answer given by the Government thereto, whether they have received the report of the Jails Committee ;

(*b*) if they considered the question of affording facilities for the Muhammadan convicts of the Madras Penitentiary to say their prayers on Fridays.

A.—The report of the Indian Jails Committee has not yet been published.

Confirmation of temporary sub-courts and district munsifs' courts.

13 Q.—Mr. V. Hamid Sultan Marakkayar : To ask the Hon'ble the Member for Law to state whether the Government propose to confirm any or all of the temporary sub-courts and district munsifs' courts in the Presidency in the coming official year.

A.—The matter is being considered by the Government.

Improvement of minor seaports.

14 Q.—Mr. V. Hamid Sultan Marakkayar : To ask the Hon'ble the Member for Finance to state if the Government have arrived at any decision with regard to the improvement of minor seaports.

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A.—There are 71 places in the Presidency notified as ports in addition to the port of Madras.

The development of the port of Vizagapatam has been entrusted to the Bengal-Nagpur Railway Company.

A report on the ports of Tuticorin, Cochin, Mangalore, Malpe, Cocanada and Negapatam has been received from the Consulting Engineers Sir John Wolfe Barry Lyster and Partners.

A Harbour Engineer has been appointed and has so far been engaged principally on works relating to the ports of Cochin and Tuticorin.

The improvement of the other small ports is in charge of the Presidency Port Officer aided in some places by Port Conservancy Board and Landing and Shipping Fees Committee.

Construction of a bridge over the Kaduvayar at Negapatam.

15 *Q.*—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Minister for Local Self-Government whether the Government propose to set apart any amount in the coming year for the construction of a bridge over the Kaduvayar at Negapatam.

A.—The Government cannot make any definite promise at present. A decision can only be come to after the amount available to such grants in 1921-22 is known and after applications for such grants from other local bodies have been scrutinized.

Increment in the pay of the constabulary.

16 *Q.*—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Home Member—

(*a*) whether it is a fact that the Madras constabulary presented a petition recently praying for an immediate increment in their pay;

(*b*) to state what action was taken on the matter;

(*c*) to extend similar concessions to the mufassal constabulary also.

A.—No such petition has been presented to Government.

Nomination of the depressed classes to local boards in Tanjore district.

17 *Q.*—Mr. V. HAMID SULTAN MARAKKAYAR: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) whether it is a fact that, in accordance with the recent Government Order, the President, District Board, Tanjore, insists upon the nomination of the depressed classes for seats in the local boards in the district;

(*b*) that for want of such men some seats remain vacant for a long time.

A.—(*a*) The Government presume the Member refers to * G.O. No. 580 L., dated 15th June 1920, which is placed on the table. The President, District Board, Tanjore, is at liberty to exercise his own discretion in regard to nomination.

(*b*) One seat on the Negapatam Taluk Board has remained vacant since 25th November 1920 and another on the Pattukkottai Taluk Board from the 8th May 1920. The Government are informed that the President hopes to fill these vacancies by nominating Panchamas.

* Vide Appendix II on page 41 infra.

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Sub-Magistrates and Tahsildars in Tanjore district.

18 Q.—Mr. E. PERIYANAYAKHAM: To ask the Hon'ble the Member for Revenue—

(*a*) to furnish a list of Brahmans and non-Brahmans (including Muhammadans and Indian Christians) in the grade of Sub-Magistrates and Deputy Tahsildars in the Tanjore district;

(*b*) whether it is a fact that three senior non-Brahman graduates who were acting as Deputy Tahsildars and Sub-Magistrates for a long time (two of them exercising second-class powers) have been recently reverted, while three Brahmans who were recently appointed as Sub-Magistrates are allowed to continue on the ground that the Brahmans have put in longer service in the department though they are juniors in grade;

(*c*) whether it is a fact that the only Muhammadan subordinate in the Revenue Department is kept down in the clerical line though he is qualified for the post of a Sub-Magistrate;

(*d*) whether it is a fact that the present Sarishtadar of the Collector's office has held that office for more than three years in contravention of Board's Standing Order No. 137 and continues in that post.

A.—(*a*) The Tanjore district establishment list corrected up to January 1921 has not yet been received by the Government. From the previous year's list it appears that there are 14 Brahmans, 2 non-Brahman Hindus and 2 Christians in the grade of Sub-Magistrate and Deputy Tahsildar.

(*b*) & (*c*) The Government have no information.

(*d*) The Government have no information, but will inquire.

Catholic Christians in Revenue and Judicial Departments in Tinnevelly and Ramnad.

19 Q.—Mr. E. PERIYANAYAKHAM: To ask the Hon'ble the Member for Revenue to state how many Catholic Christians are in the Revenue and Judicial Departments in Tinnevelly and Ramnad districts drawing a salary of Rs. 30 and over.

A.—The Government have no information.

Increase in expenditure due to revision of services.

20 Q.—Diwan Bahadur M. RAMACHANDRA RAO: To ask the Hon'ble the Member for Finance to lay on the table—

(*a*) a statement showing the increase in expenditure on account of the revision of the pay of each of the All-India Services and the various Provincial Services employed in this Presidency consequent on the recommendations of the Royal Commission on Public Services and also showing the dates from which the said revision came into effect, and

(*b*) a statement showing the amount paid to each member of each of the above services in consequence of retrospective effect having been given to such revision.

A.—The Accountant-General has been requested to prepare the statements asked for which will be forwarded to the Member on receipt.

Expenses of Legislative Council elections.

21 Q.—Diwan Bahadur M. RAMACHANDRA RAO: To ask the Hon'ble the Member for Finance for a statement of the expenditure incurred by the Government in connexion with the elections to the Legislative Council.

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A.—Information called for from the Collectors about election expenditure has been received only from some districts till now. As soon as complete information is available a statement of the expenditure will be furnished to the Member.

The RAJA OF RAMNAD :—" With reference to the answers given to questions 20 and 21, may I know if the Hon'ble Member for Finance will forward the statements required therein only to the questioning Member, or will he place them on the Council table, or will he furnish copies to other members of the Council."

The Hon'ble Mr. C. G. TODHUNTER :—" I have no objection whatever to place the statements on the table."

Local Government loan in 1921-22.

22 *Q.*—Diwan Bahadur M. RAMACHANDRA RAO : " To ask the Hon'ble the Member for Finance whether a loan by the Local Government is likely to be floated in 1921-22 and the amount of such a loan.

A.—The Government do not propose to float a loan in the open market in the year 1921-22. It is hoped however that a loan will be obtained from the Government of India, the details of which will appear in the Financial Statement to be published in the first week of March.

Appointment of Chairman, Ootacamund municipality.

*23 *Q.*—Mr. M. RAMACHANDRA RAO : "To ask the Hon'ble the Minister for Local Self-Government to state whether the Government had made any proposals to the Ootacamund Municipal Council to forego the privilege of electing its Chairman on condition of the Government paying Rs. 1,000 per mensem as the salary of the Chairman to be appointed by the Government and whether the proposal has been finally sanctioned and to lay the whole correspondence on the table.

A.—The answer is in the affirmative. A copy of the correspondence is laid on the table.*

Mr. M. RAMACHANDRA RAO :—" Sir, I should like to know from the Minister for Local Self-Government whether it is proposed to continue the services of Mr. Handcock who has been the President of the Ootacamund Municipality for the last 12 years on the ground of his engineering experience."

The Hon'ble Mr. P. RAMARAYANINGAR :—" His service is to continue for the period he has been appointed. As to what will take place later, it is not yet decided. "

Mr. M. RAMACHANDRA RAO :—" May I know whether the proposed arrangement is exactly the same which the Council has been following for the last 12 years without the additional payment of Rs. 1,000 per mensem."

The Hon'ble Mr. P. RAMARAYANINGAR :—" Only one supplementary question to elicit explanation to the answer to a question can be asked "

Mr. M. RAMACHANDRA RAO :—" It is for the President to decide it "

The Hon'ble the PRESIDENT :—" Probably the Hon'ble Minister wants notice of the question."

The Hon'ble Mr. P. RAMARAYANINGAR :—" It is assuming the form of a discussion."

* Vide Appendix III on pages 42-45 infra.

The Hon'ble the PRESIDENT:—"The question is perfectly in order, but it is open to the Hon'ble Minister to say if he wants notice of the question."

The Hon'ble Mr. RAMARAYANINGAR:—"Yes, I want notice."

Transfer of departments from Board of Revenue to Government.

24 Q.—Mr. T. A. RAMALINGAM CHETTIYAR: "To ask the Hon'ble the Member for Revenue to state—

(*a*) if it is a fact that several departments of administrative work which were formerly under the Board of Revenue have, within the last five years, been removed from their control and placed under the Government directly;

(*b*) if so, what the departments are and when they were so removed;

(*c*) whether there has been any reduction of establishment and expenditure in the Board on account of such removal;

(*d*) what the establishment was in the Board and what the cost of the same in 1914–15 and in 1919–20;

(*e*) whether there is any proposal under consideration by the Government to abolish the Board of Revenue or to reconstitute it on a different basis to what obtains now, and if so, in what stage is such a proposal.

A.—(*a*) & (*b*) The Agricultural, Veterinary and Co-operative departments were taken away from the control of the Board of Revenue, Revenue Settlement, on 1st November 1916 and the Forest department from the control of the Board of Revenue, Land Revenue, on 1st June 1919. No portion of the work pertaining to the Board of Revenue, Separate Revenue, was transferred

(*c*) The office establishment in the Board, Settlement department, was reduced by four clerks and in the Board, Land Revenue department, by one clerk, while the entire Forest section of the Board's office was taken away.

(*d*) The attention of the Member is invited to the details of establishment and expenditure given in the Civil Budget Estimates under (1) 3-B. Land Revenue—Survey and Settlement—Revenue Settlement—Controlling Office; (2) 11-B. Forests—Forest establishments; (3) 18-J. General Administration—Board of Revenue.

Information regarding the strength and cost of establishments in the Board (Separate Revenue) including the office of the Chief Commissioner of Income-tax which was started in February 1920 has been called for and will be furnished on receipt.

(*e*) The proposal has been dropped for the present.

Operation of the Insects Pest Act in the Coimbatore district.

25 Q.—Mr. T. A. RAMALINGAM CHETTIYAR: "To ask the Hon'ble the Minister for Development—

(*a*) whether it is a fact that the Insects Pest Act has been applied to the Cambodia cotton cultivation in the Coimbatore district and the plants are ordered to be removed from the 1st of August each year;

(*b*) if so, what the grounds are on which the date 1st of August has been fixed;

(*c*) whether the Government are aware that the ryots are put to great loss, extending in the aggregate to several lakhs, by this order;

(*d*) how long the land should be vacant for avoiding the growth and extension of the pest;

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(*e*) whether there is any particular season marked out for leaving the lands vacant or is it enough if the land is left vacant for a sufficient length of time in the year without reference to season;

(*f*) whether there is any harm in allowing the plants on the land for a month or two longer in case the ryots agree to leave the land vacant for a sufficient period after the plants are removed;

(*g*) whether some alteration cannot be made in the date fixed for the removal of the plants, so as to allow the ryots to get the benefit of the second crop and also avoid the evil which it is intended to counteract by the order now in force;

(*h*) what parts of the Coimbatore district are affected by the pest; and

(*i*) whether the operation of the Act and the order issued thereunder cannot be confined to the parts of the district or taluks actually affected.

A.—(*a*) Yes.

(*b*) The date was fixed with due regard to the season, so as to allow of the fields remaining bare of cotton for a period of two months before the next cotton crop was sown.

(*c*) The Government are aware that some individual losses are unavoidable to save the larger losses by disease.

(*d*) Two months, preferably.

(*e*) Yes; the close season should precede the sowing season which is ordinarily at the beginning of the north-east monsoon.

(*f*) & (*g*) The dates cannot be altered. In the Coimbatore district except on the extreme eastern border the season for growing Cambodia cotton is practically uniform and the postponement in some individual cases will frustrate the utility of the measure.

(*h*) The entire district excluding the taluk of Kollegal.

(*i*) This is the case at present.

Mr. T. A. RAMALINGAM CHETTIYAR:—"May I know what is the period for which the ryot will have to leave the land vacant?"

The Hon'ble Mr. K. VENKATA REDDI NAYUDU:—"As far as my present experience goes, two months are supposed to be necessary. The ground suggested will be taken up by the Government for enquiry."

Donation to the Tubercular Institute.

26 *Q.*—Rao Sahib U. RAMA RAO: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) what has been done with the donation of Rs. 50,000 by M.R.Ry. Rao Sahib M. C. T. Muttayya Chettiyar Avargal to build a Tubercular block attached to the Tubercular Institute at the Spur Tank, Madras; and

(*b*) what the cause of delay is in constructing the block.

A.—(*a*) A sum of Rs. 25,000 representing one-half of the amount of the donation has been received and this has been placed in fixed deposit with the Bank of Madras.

(*b*) The block in question forms part of the proposed new General Hospital buildings at the Spur Tank. Under existing rules, construction cannot be undertaken until the whole scheme has received the sanction of the Secretary of State. Detailed estimates for portions of the scheme are not yet complete.

Report of the Board on the L.M.S. Degree.

27 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government to state whether any steps have been taken or intend taking on the report of the Board appointed last year to consider the advisability of abolishing the L.M.S. of the University of Madras and establishing a Faculty of Medicine and Surgery in Madras.

A.—No Board was appointed by the Government to consider the question.

Rao Sahib U. Rama Rao:—"With regard to question 27, is it not a fact that the Surgeon-General had appointed a committee to go into the question?"

The Hon'ble Mr. P. Ramarayaningar:—"Mr. Ramachandra Ayyar has been asked to suggest names for the committee to be formed and he has not yet given the names. He has been reminded. He has not secured the names for the committee."

Rao Sahib U. Rama Rao:—"The Minister has entirely mistaken the question. I only ask with regard to question 27 whether it is not a fact that the Surgeon-General did appoint a committee to consider this question."

The Hon'ble Mr. Ramarayaningar:—"I have no information on the subject."

Ayurvedic Medicines.

28 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) the result of Rao Bahadur Dr. M. C. Koman's investigation into Ayurvedic medicines and the conclusion arrived at;

(*b*) the expenditure incurred for the inquiry; and

(*c*) whether his report will be placed on the Editors' Table.

A.—(*a*) & (*c*) The results of Doctor Koman's investigation have been embodied in his report which is being placed on the Editors' Table.

(*b*) The expenditure incurred on the inquiry was Rs. 34,465.

Mangalore Water-works Scheme.

29 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government to state the progress made with the Mangalore water-works scheme and when it will be put into operation.

A.—The investigation of the Hassanar valley spring source has been almost completed. The Sanitary Engineer intends to inspect the site at an early date.

Housing accommodation in Madras.

30 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government whether the Government are aware that the poor and the middle class in the City of Madras are put to much hardship owing to limited housing accommodation and the consequent overcrowding.

A.—The answer is in the affirmative.

Madras City Extension Scheme.

31 Q.—Rao Sahib U. Rama Rao: To ask the Hon'ble the Minister for Local Self-Government to state in what stage the Madras City Extension scheme is.

A.—It is presumed the Member of the Legislative Council is referring to the scheme for the provision of additional house-sites in and near Madras

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City outlined in paragraphs 4 to 6 of the press communiqué published on pages 431 and 432 of Part I of the *Fort St. George Gazette*, dated 23rd March 1920. The Government have decided to entrust the development of the areas in question to a special board constituted under section 45 of the Madras Town-Planning Act, 1920, and orders were passed in December last directing the constitution of a board to be called "The Madras City and Suburban Town-Planning Trust." The chairman of the trust has already taken charge and begun work.

Model Liquor Shops.

32 *Q.*—Mr. S. SOMASUNDARAM PILLAI: To ask the Hon'ble the Minister for Excise—

(*a*) whether it is a fact that the Government have approved of the proposal to build model liquor shops; and

(*b*) whether it is a fact that the Government propose to acquire land in Thatha Muthiappan Street, Georgetown, for building a model liquor shop.

A.—(*a*) There is no proposal before Government for building model liquor shops. In exceptional cases, where the Licensing Board experiences difficulties in securing an unobjectionable site for a successful bidder, an acquisition by Government of a suitable site is permitted under existing rules.

(*b*) Government propose to acquire land in Thatha Muthiappan Street, Georgetown, for the reasons indicated in 32 (*a*).

Mr. S. SOMASUNDARAM PILLAI:—"Is it site alone that is to be acquired by the Government? At whose cost is the building to be erected?

"Is the site, which the Government propose to acquire, the least objectionable one? Are there not respectable merchants living in the neighbourhood?"

The Hon'ble Mr. A. SUBBARAYULU REDDIYAR:—"The answer is clear. It is a suitable site that is sought to be acquired. Let notice be given of a fresh question. This is not involved in this question."

Reasons for the construction of model liquor shops.

33 *Q.*—Mr. S. SOMASUNDARAM PILLAI: To ask the Hon'ble the Minister for Excise, if the answer to question 32 (*a*) be in the affirmative, to state the reasons for such action.

A.—Vide answer to question No. 32 (*a*).

Kannambadi Dam.

34 *Q.*—Mr. T. SOMASUNDARAM MUDALIYAR: To ask the Hon'ble the Member for Public Works (Irrigation)—

(*a*) to state whether the Engineers of the Mysore State and the Madras Government have arrived at any understanding regarding the Kannambadi dam;

(*b*) to give the landholders of the Trichinopoly and Tanjore districts an opportunity to represent their case before the matter is finally settled; and

(*c*) to lay on the table all papers connected with the above subject.

A.—(*a*) No final agreement has yet been arrived at by the Engineers of the Mysore State and the Madras Government in regard to the Kannambadi dam.

(*b*) The landholders concerned will be consulted in due course before any settlement that may be reached by the technical experts of the two Governments is ratified by this Government.

(*c*) The papers connected with the original Mysore Cauvery Arbitration and the representations of the Mysore State and the Madras Government to the Government of India have already been placed on the Editors' Table. The Government are unable to publish the papers connected with the present informal discussions.

G davari and Kistna Delta Irrigation system.

35 *Q.*—Mr. T. SOMASUNDARAM MUDALIYAR: To ask the Hon'ble the Member for Public Works (Irrigation) to state—

(*a*) the capital and recurring expenditure incurred annually for the last 20 years in connexion with the irrigation systems in the Gōdāvari and Kistna deltas respectively; and

(*b*) the average cost per acre of irrigated area of such charges.

A.—The Member is referred to the annual Irrigation Administration Reports of the Madras Presidency.

Cauvery Delta Irrigation system.

36 *Q.*—Mr. T. SOMASUNDARAM MUDALIYAR: To ask the Hon'ble the Member for Public Works (Irrigation) to state—

(*a*) the capital and recurring expenditure incurred annually since the last resettlement in connexion with the irrigation system in the Cauvery delta;

(*b*) how much of the above charges have been in connexion with the protective works in the Coleroon and how much in the deltaic irrigation works;

(*c*) of the amounts referred to in clauses (*a*) and (*b*), how much represents the cost of the establishment and how much the amount spent on actual works;

(*d*) the average cost per acre of irrigated area of such charges.

A.—(*a*), (*c*) & (*d*) The Member is referred to the annual Irrigation Administration Reports of the Madras Presidency.

(*b*) The information is not available.

Mettur Project.

37 *Q.*—Mr. T. SOMASUNDARAM MUDALIYAR: To ask the Hon'ble the Member for Public Works (Irrigation) to state to what stage the proposed Mettur project has proceeded and when the work is likely to be begun.

A.—The revised estimates for the Cauvery (Mettur) project, amounting to Rs. 409·5 lakhs, submitted to the Government of India in December 1916 are still with that Government. They have expressed their inability to submit the estimates to the Secretary of State for sanction till a final settlement is come to between this Government and the Mysore Darbar in regard to the Mysore (Kannambadi) Krishnarajasagara Reservoir Project, about which informal discussions are still going on between the technical experts of the two Governments. The Government are unable to say when the work is likely to be commenced.

Exempting of Co-operative Societies from fees due to the Industrial Department.

38 *Q.*—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Minister for Development whether the Government have been approached to exempt fees chargeable for services rendered by the Department of Industry to co-operative societies, and, if so, whether the Government will be pleased to lay on the table the order, if any, passed thereon.

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A.—A copy of the Order * Mis. No. 294, Revenue (Special), dated 11th February 1920, is placed on the table.

Sentences of imprisonment during Easter or Christmas holidays.

39 *Q.*—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Home Member whether there have been instances of Magistrates passing sentences of imprisonment on the day preceding or during the Easter or Christmas holidays practically denying the affected persons the right to seek immediate redress, and whether the Government will be pleased to issue orders for discontinuing the said practice.

A.—No such cases have been brought to notice and as at present advised the Government see no need for any other orders than those contained in Rule 140 of the Criminal Rules of Practice.

Treasury transactions at the Bank of Madras, Cuddalore.

40 *Q.*—Mr. R. SRINIVASA AYYANGAR: To ask the Hon'ble the Member for Finance whether—

(*a*) it is a fact that in April 1920 the Bar Association of Cuddalore represented to the Collector of South Arcot the inconvenience and hardship which the proposed transfer of all Huzur treasury transactions to the Bank of Madras (Cuddalore Old Town Branch) entailed, and requested him to maintain the existing state of things or to cause the Bank to open a Branch in Cuddalore New Town;

(*b*) it is a fact that the Treasury Deputy Collector and the Collector supported the cause of the Bar Association;

(*c*) it is a fact that the Government declined to consider favourably the request of the Bar Association on the ground that it was too late;

(*d*) the Government consulted the Accountant-General or the heads of several departments in Cuddalore on the question of the proposed transfer; and

(*e*) if the answer be in the negative, the Government will be pleased to remit the question to them for their opinion and reconsider its decision in the light of the replies received from them.

A.—(*a*) It is a fact that such a representation was made in April 1920, that is five years after the question of opening the branch was taken into consideration.

(*b*) The late Khan Bahadur Aziz-ud-din, having regard to the fact that the branch could only work at a profit in the business centre, supported the proposal to locate it in Cuddalore Old Town. His successor reported that there were difficulties in connexion with the transactions of Government business at a branch situated there, but that they might be partly met by the institution of more rapid transport.

(*c*) The Government informed the Bar Association that the matter had been fully considered by Khan Bahadur Aziz-ud-din and that they regretted that they were unable to reconsider the decision at the late date at which the objection was raised.

(*d*) The Accountant-General was consulted in the first instance. The Board of Revenue reported on the objection of the Bar Association that the site in Old Town seemed to be the best.

(*e*) If any real difficulty is found in actual working the Government will consider how best it can be met. It must be understood, however that there was never any question of the bank opening

* Vide Appendix IV on page 45 infra

a branch in Cuddalore New Town, away from the business centre, that the transaction of business at the Government treasury in Cuddalore New Town is just as inconvenient to the business community as the transaction of business in the Old Town is to the vakils and that the alternatives before the Government were to transfer the Government business to a branch of the bank in the Old Town or to have no branch at all and at the same time to enlarge the storage accommodation of the Government treasury so as to enable it to cope with the growing business of the town.

Mr. R. SRINIVASA AYYANGAR :—The information asked for has not been supplied because the answer does not cover it so far as the first part of it is concerned, viz., whether it is a fact that the Treasury Deputy Collector supported the cause of the Bar Association. I want an answer to that part of the question."

The Hon'ble Mr. C. G. TODHUNTER :—" Mr. President, I cannot remember, at this moment the exact contents of the report of the Collector's subordinate, but so far as I do recollect, he was much more concerned with the convenience of the treasury than with that of members of the Bar."

Appellate work in headquarter division in Cuddalore.

41 *Q.*—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Home Member whether it is a fact—

(*a*) that the Subdivisional Magistrates of Tirukkōyilūr and Tindivanam divisions are without appellate powers ;

(*b*) that, owing to the posting of officers as acting Divisional Magistrates of Tindivanam, Tirukkōyilūr and Chidambaram divisions within the last two years, the appellate work of the Headquarter Deputy Magistrate, Cuddalore, increased *pro tanto*.

A.—(*a*) The present Subdivisional Magistrate of Tirukkōyilūr has appellate powers. The Subdivisional Magistrate of Tindivanam has not.

(*b*) When a division is held by an officer without appellate powers, appeals have to be heard by some other Divisional Magistrate, and it is understood that appeals have thus at times been transferred to the Subdivisional Magistrate, Cuddalore. But the Government have no information as to the quantity of work so transferred.

Mr. R. SRINIVASA AYYANGAR :—" Am I to understand that the present Subdivisional Magistrate of Tirukkōyilūr was not invested with appellate powers until two weeks ago."

The Hon'ble Sir LIONEL DAVIDSON :—" I cannot positively answer the second part of the question."

Mr. R. SRINIVASA AYYANGAR :—" Sir, but it is the case."

The Hon'ble Sir LIONEL DAVIDSON :—" It is the case that the present Subdivisional Magistrate of Tirukkōyilūr was only recently posted there."

Police stations in South Arcot District.

42 *Q.*—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Home Member if proposals have been made to open police stations in Rishivandiyam, Srimushnam and Vellayankuppam (South Arcot) to carry on the police work with greater efficiency and pomptitude.

A.—No such proposals have been received by Government.

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A Dispensary in Bhuvanagiri.

43 Q.—Mr. R. SRINIVASA AYYANGAR :—To ask the Hon'ble the Minister for Local Self-Government whether it is a fact that there is no dispensary in Bhuvanagiri, one of the unions in South Arcot district, and that representations to open a dispensary have been made.

A.—There is no dispensary at Bhuvanagiri. The Government have no information as to whether any representations on the subject have been made.

Scouring of the Vallar River.

44 Q.—Mr. R. SRINIVASA AYYANGAR :—To ask the Hon'ble the Member for Public Works (Irrigation) if it is a fact that the southern portion of Bhuvanagiri has been much affected in recent years by the scouring of Vellar river towards the town side.

A.—Government have no information but have called for it.

A Municipality at Panruti.

45 Q.—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Minister for Local Self-Government whether there is a proposal to constitute the Panruti union into a municipality, and, if so, the stage to which it has progressed.

A.—No such proposal is before the Government.

Cuddalore water-supply Scheme.

46 Q.—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Minister for Local Self-Government whether the Sanitary Board has finally approved the Cuddalore water-supply scheme and whether its execution is likely to be taken in hand in the next official year.

A.—The plans and estimates have just been scrutinized by the Chief Engineer and the scheme will shortly be considered by Government.

Cuddalore Hospital.

47 Q.—Mr. R. SRINIVASA AYYANGAR :—To ask the Hon'ble the Minister for Local Self-Government to state the number of in-patients in the Government Hospital, Cuddalore, in 1918-19 and 1919-20 and the sums realised by sale of medicines to patients in that period.

A.—The number of in-patients treated in the headquarter hospital at Cuddalore during the calendar years 1918 and 1919 was 1,195 and 1,477, respectively. The Government have no information as to the sale-proceeds of medicines.

Report of Mr. A. R. Knapp on revision of salaries.

48 Q.—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Member for Finance whether—

(*a*) Mr. A. R. Knapp, I.C.S., C.B.E., Officer on Special Duty for the revision of salaries, has submitted his report ;

(*b*) he consulted or examined representatives of the non-gazetted services, and if so, what the number of persons was examined by him ;

(*c*) any orders have been passed thereon, and the Government will be pleased to publish the report and the orders thereon.

A.—(*a*) & (*c*) The Member's attention is drawn to the answer to question No. 9.

(*b*) It was not part of Mr. Knapp's instructions that he should examine witnesses. He considered representations made by non-gazetted officers and others and consulted persons who could give him useful information and advice.

Non-gazetted Offices' Provincial Conference

49 Q.—Mr. R. Srinivasa Ayyangar: To ask the Hon'ble the Member for Finance whether—

(*a*) the attention of the Government has been drawn to the proceedings of the First Provincial Conference of the non-gazetted services of this Presidency held in December last; and

(*b*) whether action has been taken on the memorials submitted by the non-gazetted officers praying for the appointment of a committee to consider their grievances.

A.—(*a*) The answer is in the affirmative.

(*b*) No such committee has been appointed.

Cowle system in South Arcot.

50 Q.—Mr. R. Srinivasa Ayyangar: To ask the Hon'ble the Member for Revenue whether within the past ten years any land was granted on the progressive cowle system to the ryots in South Arcot and, if so, the extent thereof.

A.—The Government have no information but will enquire.

Darkhast applications in South Arcot in Fasli 1329.

51 Q.—Mr. R. Srinivasa Ayyangar: To ask the Hon'ble the Member for Revenue to state—

(*a*) the number of darkhast applications received in fasli 1329 in South Arcot,

(*b*) the extent covered by them,

(*c*) the percentage of the applications granted,

(*d*) the extent of lands actually assigned and the assessment thereon, and

(*e*) if the extent assigned bore a small proportion to that asked for, the reasons for the same.

A.—The Government have no information but will enquire.

An Industrial School in South Arcot.

52 Q.—Mr. R. Srinivasa Ayyangar: To ask the Hon'ble the Minister for Development whether there is no Government Industrial School in the South Arcot district.

A.—No.

Mr. A. S. Krishna Rao:—"With reference to Question No. 49 may I ask . . . ."

The Hon'ble the President:—"I fear I must overrule any supplementary question to question 49. These questions are taken in order. We have passed on to question No. 53. If we now go back, I will appeal to Honourable Members to consider whether that will not unduly prolong questions. I have no objection to allow this as a special case. I hope it will be distinctly understood, that any Honourable Member choosing to put supplementary questions must do so before the question is passed over. But you will put it now."

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Mr. A. S. KRISHNA RAO :—"With reference to question No. 49 (*b*), may I know from the Honourable the Member for Finance, why a committee has not been appointed as requested in the memorial submitted by the non-gazetted officers. The answer given is : 'No such committee has been appointed.' May I know the reasons."

The Hon'ble Mr. TODHUNTER :—"I will answer this question in the debate which is shortly to take place upon the resolutions relating to the subject."

Mr. L. A. GOVINDARAGHAVA AYYAR :—"May I suggest, Sir, in view of what has fallen from you, that the Secretary may be requested to put question after question so as to enable the Members to put supplementary questions even if it be that a number of questions stand in the name of one Honourable Member."

The Hon'ble the PRESIDENT :—"I would consider the suggestion. In the meantime I trust Honourable Members will observe what I said."

The Pennar Causeway in Tirukkōyilur.

53 *Q.*—Mr. R. SRINIVASA AYYANGAR : To ask the Hon'ble the Minister for Local Self-Government to state—

(*a*) what the amount is of the original estimate for the Pennar causeway in Tirukkōyilūr ;

(*b*) what the amount is of the revised estimate for the same ;

(*c*) whether it is a fact that the recent floods have washed away some of the wells sunk in the river ; and

(*d*) whether the South Arcot District Board Sub-Committee have recommended the inclusion of the road from Tiruvannamalai to Tirukkōyilūr and Tirukkōyilūr to Panruti in the first-class roads for through communication.

A.—(*a*) Rs. 1,19,000.

(*b*) Rs. 1,51,000.

(*c*) & (*d*) The Government have no information.

Mr. R. SRINIVASA AYYANGAR :—"Will the Government be pleased to call for information ?"

The Hon'ble Mr. P. RAMARAYANINGAR :—"The Government will have no objection to call for information."

Agricultural Farm at Manganallur.

54 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR : To ask the Hon'ble the Minister for Development whether—

(*a*) it is a fact that the lease of the lands taken up for the agricultural farm at Manganallur expires by the end of the current fasli ;

(*b*) Government propose to take a fresh lease and continue the farm for some years or do they intend to open another farm in any other place in the district ; and

(*c*) if it is a fact that Government propose to open a farm elsewhere, where do they intend to locate the same.

A.—(*a*) The lease runs up to March 1922.

(*b*) It is not intended to renew the lease but the Government propose to open a sub-station for the introduction of new strains of poddy.

(*c*) The site of the sub-station is not yet settled.

Opening of seed farms.

55 Q.—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Minister for Development whether—

(*a*) Government propose to open a small seed farm for producing better and tried varieties of seeds for sale to agriculturists; and

(*b*) if so, where that farm is to be located.

A.—The production of seed for sale to the agriculturists (sometimes grown on ryot's own fields) is part of the ordinary activities of the Agricultural Department and the seeds are stocked at farms and at other suitable centres. The Government do not propose to introduce any variation on these arrangements.

Scientific manure factory.

56 Q.—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Minister for Development whether the Government have any idea of opening any factory for the manufacture of scientific manures for being sold at cost price to *bona fide* agriculturists.

A.—Government have under consideration a proposal to start an experimental factory for crushing phosphatic nodules found near Trichinopoly.

Ayrshire bulls for breeding purposes.

57 Q.—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Minister for Development—

(*a*) what has become of the Ayrshire bulls sent for for the purpose of breeding, and whether they have been able to cover a sufficient number;

(*b*) whether the experiment has been a success; and

(*c*) to lay on the table a statement of expenditure showing the cost of the bulls and their maintenance including the cost of the buildings, etc.

A.—(*a*) The attention of the member is invited to paragraph 58 of the administration report of the agricultural department for 1919–20 which is available to the public.

(*b*) It is too soon to pronounce an opinion as to the success of the experiments.

(*c*) The cost of the bulls was Rs. 10,856. No special building has yet been erected. The Government have no figures regarding the cost of maintenance.

Pay of karnams.

58 Q.—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Member for Revenue whether the Government propose to give any increment in the pay of the karnams in the coming year.

A.—The member's attention is invited to G.Os. No. 499, Financial, dated 1st June 1920, and No. 1958, Revenue, dated 14th August 1920, which have been placed on Editors' Table. The Government are not prepared to go further at present.

Pay of village munsifs.

59 Q.—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Member for Revenue whether there is any prospect of increase in the pay of the village munsifs.

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A.—The Member's attention is invited to G.Os. No. 499, Financial, dated 1st June 1920, and No. 1958, Revenue, dated 14th August 1920, which have been placed on Editors' Table.

Training of elementary school teachers in agriculture.

60 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Minister for Education whether the Government have any proposal to train some of the elementary school teachers in agriculture to enable them to give instructions in elementary agriculture.

A.—The answer is in the negative.

Government subsidy to private agricultural enterprise.

61 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Minister for Development whether the Government propose to subsidise any private agricultural enterprise intended solely for the advancement of agriculture and there is any definite proposal about any such enterprise.

A.—The Government have no such proposal before them.

Flood banks of the Vettar.

62 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Member for Public Works (Irrigation) whether—

(*a*) it is a fact that the flood banks of the river Vettar have not been maintained during the last several years;

(*b*) the water on that account spills over the adjoining paddy fields to an extent of five or six miles on either side and spoils the crops; and

(*c*) the recent unexpected floods in the second week of January have submerged the paddy crops on either side and damaged the crops ready for harvest.

A.—(*a*) No; the flood banks of the Vettar (wherever they exists) are being maintained in reasonably good condition.

(*b*) No; when the rains in the delta are heavy and when the river runs high, the drainage water from the fields on both sides of it stagnates.

(*c*) There was no submersion due to river floods in January last; but the heavy rains that occurred then swamped the cultivated fields for a very short period.

Rao Bahadur K. S. VENKATARAMA AYYAR:—"With reference to question 62 (*c*), has there not been a breach in Manjati and Buthangudi villages for the last three years in the river Vettar?"

The Hon'ble Mr. HABIB-UL-LAH SAHIB:—"I am afraid, Sir, I cannot answer that question off-hand. I must have notice of it."

Vettar Bridge.

63 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR: To ask the Hon'ble the Member for Public Works (Irrigation) whether—

(*a*) the bridge of the Vettar in Nagore is of sufficient width to drain the whole flood water; and

(*b*) the Vettar does not breach in Buthangudi year after year on account of the flood water not draining through the said bridge properly.

A.—(*a*) The bridge across the Vettar in Nagore has a sufficient ventway to pass the flood water.

(*b*) The answer is in the negative.

Flood banks of the Vettar.

64 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR : To ask the Hon'ble the Member for Public Works (Irrigation) for a statement of the expenditure incurred every year for the last 25 years for the maintenance of the flood banks of the Vettar.

A.—A statement * showing the expenditure incurred annually from the year 1895-96 on the maintenance of the flood banks of the Vettar is laid on the table.

Rao Bahadur K. S. VENKATARAMA AYYAR :—" With reference to question 64, what is the length of the flood banks of the Vettar river? Because the statement shows the expenditure only in thousands of rupees, I should like to know the length of the flood banks."

The Hon'ble Mr. HABIB-UL-LAH SAHIB :—" I am afraid, Sir, that that question does not arise here, inasmuch as the question relates to expenditure incurred."

Absence of flood banks for the Vettar river.

65 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR : To ask the Hon'ble the Member for Public Works (Irrigation) whether it is a fact that the river Vettar has no flood banks at all and in several places water spills over even in ordinary times of floods and heavy rain, as the river carries off much drainage.

A.—It is not correct to say that the Vettar has no flood banks at all. As the river receives drainage from both sides all through its length, there are sometimes water spills on occasions of unusual local rainfall.

Negapatam drainage scheme.

66 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR : To ask the Hon'ble the Minister for Local Self-Government whether the drainage scheme for Negapatam has been finally decided on and sanctioned by Government.

A.—The answer is in the negative.

Rao Bahadur K. S. VENKATARAMA AYYAR:—" Is the drainage scheme pending for the last fifteen years ? "

The Hon'ble Mr. P. RAMARAYANINGAR :—" No information on the subject."

Damages to crops in Tanjore through floods.

67 *Q.*—Rao Bahadur K. S. VENKATARAMA AYYAR : To ask the Hon'ble the Member for Revenue what the extent was of the damages caused to the crops (paddy) which were ready for harvest in the district of Tanjore but which were spoiled on account of the recent rains and floods (which submerged the crops) in the second week of January.

A.—The Government are not yet in possession of the information asked for.

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* Vide Appendix V on page 46 infra.

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Repalle and Chirala Municipalities.

68 Q.—Mr. P. VENKATASUBBA RAO: To ask the Hon'ble the Minister for Local Self-Government to state whether—

(*a*) the majority of the municipal councillors of Repalle and Chirala have resigned; if so, the reasons for their action;

(*b*) the municipalities of Chirala and Repalle were established against public protests;

(*c*) the Government are aware that the people living in the municipalities of Chirala and Repalle are comparatively poor and are unable to bear the burden of municipal administrations and whether the Government will be pleased to convert them into unions as prayed for by the rate-payers of Chirala and Repalle; and

(*d*) the Government have launched prosecutions at Chirala under the Municipal Act for non-payment of rates; if so, whether the Government will direct their withdrawals till the establishment of a union in place of the existing municipality.

A.—(*a*) Yes; no reasons have been assigned for their action.

(*b*) Some of the rate-payers sent up petitions against the constitution of the municipalities of Chirala and Repalle.

(*c*) No.

(*d*) The Government have launched no prosecution in Chirala under the Municipal Act and have no power to direct the chairman of the municipality to withdraw any prosecution which he in his capacity as chairman might have launched.

Opening of a Medical School in Guntur.

69 Q.—Mr. P. VENKATASUBBA RAO: To ask the Hon'ble the Minister for Local Self-Government—

(*a*) to explain the cause for the delay in the opening of a medical school at Guntūr as originally proposed;

(*b*) to state whether the Government intend to establish a medical school in some district other than Guntūr; and

(*c*) to state whether the Government are aware that a medical school at Guntūr would be centrally situated and cater for the needs of the Circars as a whole and afford facilities for the practical training of medical students.

A.—The Government have not abandoned the proposal to establish a medical school at Guntūr which, though not centrally situated in Northern Circars, is one of the important centres in the Circars. It was their intention to start the school in January 1921, but this could not be done as the number of applicants qualified for admission was not sufficient to fill even the existing schools. The question of opening the school in January 1922 will be considered if a sufficient number of candidates is then available. There is no proposal to open a school in some other district in preference to Guntūr.

Mr. P. VENKATASUBBA RAO:—"With reference to question 69, I should like the Hon'ble the Minister for Local Self-Government to state whether he would

consider the opening of a school first and then seeing for a year whether applicants would not be sufficient to continue the school as an experimental measure instead of waiting to receive applications."

The Hon'ble Mr. P. RAMARAYANINGAR :—" Applications have been called for and there were not a sufficient number of them to justify the opening of a medical school at Guntūr. It is not possible for the Government to open a school and then ask for applications."

Mr. C. V. S. NARASIMHA RAJU :—" I wish to know whether any notification was issued that a medical school will be established at Guntūr."

The Hon'ble Mr. P. RAMARAYANINGAR :—" Government have no information whether there was a notification issued or not."

Mr. M. RAMACHANDRA RAO :—" May I know, Sir, from whom were the applications called for and by whom and whether there was any notification in the official gazette ? "

The Hon'ble Mr. P. RAMARAYANINGAR :—" I ask for notice to answer the question."

Extent of land granted to the depressed classes in Guntur.

70 *Q.*—Mr. P. VENKATASUBBA RAO : To ask the Hon'ble the Member for Law to state the total acreage granted to the depressed classes in the Guntūr district.

A.—About 6,474 acres up to 31st December 1920.

Deputy Director of Agriculture at Guntur.

71 *Q.*—Mr. P. VENKATASUBBA RAO : To ask the Hon'ble the Minister for Development to state if it is a fact that the Government have promised to station a Deputy Director of Agriculture at Guntūr.

A.—The southern taluks of Kistna district and Nellore and Guntūr districts have been grouped into one circle for charge of which it is the intention to post a Deputy Director as soon as an officer is available. The headquarters of the circle have not yet been decided.

Bar-rooms in mufassal courts.

72 *Q.*—Mr. P. VENKATASUBBA RAO : To ask the Hon'ble the Members for Revenue and Law to state whether the Government are aware of the inconvenience felt by the members of the bar in the mufassal courts by the non-provision of bar-rooms ?

A.—The answer is in the negative.

Mr. A. S. KRISHNA RAO :—" With reference to question 72, may I ask the Hon'ble the Law Member whether he will make inquiries into the matter and take suitable action ? "

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" The Government have no objection. They will obtain such information and take necessary action."

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APPENDIX I.

[Vide answer to question No. 3 asked by M.R.Ry. S. Biswanath Das Garu at the meeting of the Legislative Council held on the 14th February 1921, page 17 supra.]

List of Irrigation Projects in the Ganjām district.

Name of project.	Object of project.	Approximate cost.	Remarks.
		Rs.	
1. Korakori nullah project.	This project provides for forming bank across the Korakori nullah near Boregam in the Attagada zamindari.	10,48,000	Abandoned in G.Os. No. 1118-I., dated 6th November 1906, and No. 120 I., dated 13th March 1907, as not being a promising project.
2. Hamsaralli sagara.	This consists in the restoration of an old ruined tank across the river called Sunnamudhi Gedda near Hamsaralli to secure an adequate supply to 4,500 acres of the Mandasa zamindari lands.	1,51,950	Plans and estimates have been recorded as the Zamindar of Mandasa was not willing to carry out the work—vide G.O. No. 223 I., dated 15th May 1907.
3. Gopalapuram tank.	This provides for the formation of a tank across the jungle stream Varahala Gadda near Gopalapuram in Turla zamindari.	1,12,000	Abandoned both as an ordinary and as a famine-relief work, as the zamindar was not prepared to undertake the project—vide G.O. No. 65 I., dated 17th January 1906.
4. Jogudi reservoir.	The proposal is to impound the waters of the Godaka nullah in a reservoir to be constructed across the stream near Jogodi village to supplement the supply of 5,000 acres of land lying at the tail end of the Rushikulya canal.	2,11,900	It was thought that the execution of one or other of the larger schemes such as Boradapalli and Godohollo to supplement the supply under the Rushikulya system would render this unnecessary; hence further investigation was stopped in G.O. No. 1155-I., dated 23rd November 1905.
5. Amalakudya tank.	This provides for the formation of a tank across the Bendi Gedda river near Amalakudya village for irrigating lands in the Tekkali estate.	1,57,000 for direct charges.	Further investigation of the project was ordered to be abandoned in G.O. No. 836 I., dated 9th September 1905, owing to the badness of the soil.
6. Ballipadra project.	This provides for the formation of a reservoir across the Noi Baro nullah to supplement the supply to the Rushikulya project.	2,68,425	Abandoned in G.O. No. 1189 I., dated 2nd December 1905, for reasons stated against item 4.
7. Baguva reservoir.	The proposal is to form a reservoir near Korabodi village of Goomsur taluk by constructing an earthen bund across the Baguva to irrigate 9,050 acres of land.	7,93,695	Sanctioned in G.O. No. 208 I., dated 23rd May 1908, as a famine-relief work to be taken up when necessity for famine arises.
8. Gavuz Tampara project.	This is a proposal to drain a fresh water swamp of 4,600 acres some five miles east of Berhampur and to reclaim thereby a major portion of it for wet cultivation.	6,72,000	Plans and estimates kept back pending a decision on the Bahuda, Godohollo and Boradapalli projects —vide pages 9 and 10 of G.O. No. 390 I., dated 10th September 1907.

List of Irrigation Projects in the Ganjām district—*cont.*

Name of project.	Object of project.	Approximate cost.	Remarks.
		Rs.	
9. Padmanabhasagaram project.	This is a proposal to restore an old ruined tank in Tekkali zamindari so as to irrigate 400 acres of Tekkali and Nandigam estates.	1,95,000	As accurate information regarding the estimate of revenue, etc., is not available, it has been decided to abandon the project—vide G.O. No. 298 I., dated 8th August 1912.
10. Bahuda reservoir.	This is a proposal to impound the flood waters of the Bahuda river now running waste in a reservoir, near Govindapur village of the Peddakimedi zamindari and utilize the storage in irrigating Government lands on both sides of the river.	24,03,000	These projects are intended to supplement the supply to the Rushikulya project. They have been dependent until the important questions connected with the improvements to the existing system are settled —vide G.O. No. 348 I., dated 21st July 1914.
11. Rushikulya or Boradapalli project.	The proposal is to form a reservoir across the Rushikulya river near Boradapalli and thereby to increase the ayacut of the Rushikulya system.	23,90 000	
12. Godohollo reservoir project.	The proposal is to impound the waters of the Godohollo river by an earthen bund thrown across it 3 miles above Pattupuram village in a reservoir designed to hold 3,745 millions cubic feet.	15,17,500	
13. Mahendratanya project.	This is a proposal to form two reservoirs across the north and south branches of the Mahendratanya river for irrigating lands on both sides of the river belonging to the Jalandra and Mandasa Zamindars.	3,30,000	The project was abandoned in G.O. No. 751 I., dated 7th July 1906, as the zamindars concerned are unwilling to carry out the project.
14. Thintoly project.	The proposal is to form a reservoir by damming the Donai river in the Attanka taluk of the Kallikōta zamindari.	6,00,000	As the return of revenue is very small, the project was abandoned in G.O. No. 165 I., dated 9th April 1907. The zamindar was also unable to find funds for the project.
15. Construction of Langulya anicut at Dusi.	The proposal is to construct an anicut across the Langulya river at the head of the Dusi and Wadada channels.	5½ lakhs.	The proposal was dropped as it was not remunerative—vide No. 43-E., dated 14th January 1921.
16. Extension of the Nagarikatakan channel.	The proposal is to construct an anicut across the Vamsadhara river for the purpose of extending the irrigation in the southern portion of the Ganjām district.	..	A report on the scheme has just been received and is under consideration by the Chief Engineer for Irrigation.
17. Girisola channel project.	The proposal is to excavate a channel on the left side of the Mahanadhi from above Goomsur anicut to supply an ayacut of 7,477 acres of land in the Goomsur taluk.	..	The estimate for the scheme is under examination in the office of the Chief Engineer for Irrigation.
18. Mohada reservoir project.	Details not yet received in the office of the Chief Engineer for Irrigation.	..	Plans and estimates are under scrutiny in the division office.

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List of Irrigation Projects in the Ganjām district—*cont.*

Name of project.	Object of project.	Approximate cost.	Remarks.
		Rs.	
19. Surada supplemental supply project.	The proposal is to divert the water of the Rushikulya river into the Surada reservoir by constructing a regulator, etc.	..	Plans and estimates are now under revision in the Superintending Engineer's office.
20 Koratholai Tampara project and improvements to Jayamangalam channel.	....	..	Plans and estimates are under scrutiny in the Executive Engineer's office.
21. Mallada Tampara project.	Construction of a weir across the Korakorai river to irrigate lands belonging to the Biridi and Hoomunna Zamindars.	67,890	Sanctioned as a famine-relief work—vide G.O. No. 333 I., dated 18th July 1907.

Appendix II.

[Vide answer to question No. 17 asked by V. Hamid Sultan Marakkayar Sahib Bahadur at the meeting of the Legislative Council held on the 14th February 1921, page 21 supra.]

G.O. No. 580 L., dated 15th June 1920.

The attention of presidents of district and taluk boards is invited to the need for securing on local bodies the equitable representation of the depressed and backward classes. The Government have been availing themselves of such opportunities as have offered to nominate representatives of the depressed and backward classes in vacancies which lie within their patronage. The appointment by nomination of members of taluk boards and union panchayats rests, however, with the presidents of district and taluk boards, respectively, and inquiries show that in only five districts are Panchamas represented on local boards, the total number of such representatives being nine and out of 389 union panchayats only five have a Panchama on their strength.

2. The Government have no doubt that presidents of local boards will agree with them that the existing representation of the depressed and backward classes is wholly disproportionate to the strength of those communities, and they commend to all presidents the desirability of securing for those classes a more liberal representation on taluk boards and union panchayats than they now enjoy.

(True extract)

F. J. Richards,
Acting Secretary to Government.

APPENDIX III.

[Vide answer to question No. 23 asked by M.R.Ry. Diwan Bahadur M. Ramachandra Rao Pantulu Garu at the meeting of the Legislative Council held on the 14th February 1921, page 23 supra.]

I

G.O. Mis. No. 1830 M., dated 3rd December 1920.

The Government consider that, in view of the importance of Ootacamund as a sanitarium and of the expenditure in which the municipality is involved by the fact of its being the summer headquarters of the Government, the Chairman should be an officer of good engineering and other qualifications and that the Government should pay the whole of his salary and allowance. The Government therefore propose to exercise the discretion vested in them by section 12 (1) of the Madras District Municipalities Act, 1920, and to appoint themselves the Chairman of Ootacamund hereafter. They desire to know *within two weeks* if the Council has any grounds to urge against the above proposal. The Government propose to sanction for the present the remuneration of Rs. 1,000 per mensem which Mr. Handcock is now drawing.

(True extract)

F. J. RICHARDS,
Secretary to Government.

II

G.O. No. 125, L. & M., dated 25th January 1921.

Read—the following papers :—

(i)

Letter—from the Chairman of the Ootacamund Municipal Council.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 15th December 1920.
No.—R.C. 98 G.O.

In reply to G.O. Mis. No. 1830 M., dated the 3rd instant, desiring to know if this Council has any grounds to urge against the proposal of Government to appoint themselves the Chairman of Ootacamund hereafter and to pay the whole of his salary and allowance, I have the honour to submit herewith a copy of the Council's resolution passed at a special meeting held on the 15th instant.

ENCLOSURE.

Proceedings of the Ootacamund Municipal Council, dated 15th December 1920.

PRESENT:

E. F. Handcock, Esq., *Chairman.*
Lieut.-Col. E. A. Roberts, D.S.O., I.M.S., District Medical and Sanitary Officer.
The Rev. H. A. D. Moorhouse.
H. Irwin, Esq., C.I.E.
H. E Browne, Esq.
F. Faqir Muhammad Sait Sahib Bahadur.
J. P. Parry, Esq.
A. E. Irvine, Esq.
M.R.Ry. P. M. Guruswami Mudaliyar Avargal.
T. Pardey, Esq.
Qasim Abd-ul-lah Sait Sahib Bahadur.
M.R.Ry. B. Sundaram Pillai Avargal.

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Read G.O. Mis. No. 1830 M., dated 3rd December 1920, intimating that the Government propose, for the reasons stated, to exercise the discretion vested in them by section 12 (1) of the Madras District Municipalities Act, 1920, to appoint themselves the Chairman of this Council hereafter and to pay the whole of his salary and allowance and desiring to know if this Council has any grounds to urge against this proposal.

Resolution.—Proposed by Mr. J. P. Parry and seconded by Mr. Qasim Abd-ul-lah Sait—

"That this Council would point out that the mere fact of Ootacamund being a sanitarium and the headquarters of the Government during the summer and the fact that the Chairman should be an officer of good engineering and other qualifications are not sufficient grounds for depriving the Council of its right of electing its Chairman.

"The Council has for many years past committed itself to the policy of employing a Chairman with good engineering qualifications and the salary of Rs. 1,000 has been sanctioned as personal to Mr. Handcock in view of his local experience and long connexion with the Ootacamund municipality.

"Section 12 contemplates the Chairman being a paid officer of the Council and of his salary being paid out of Municipal funds. The decision of Government to pay the future chairman out of Provincial funds will place such an officer beyond the category of a paid officer of the Council.

"The Council would earnestly appeal to Government not to disturb the existing arrangements under which the Council returns its own Chairman.

"The Council has no hesitation in placing on record that, so long as Mr. Handcock is prepared to serve the municipality as loyally as he has done heretofore, the Council has no objection to his being returned to that office year by year whether it be by the Council or Government, but that, in the event of any change of officer, the Council reserves to itself its constitutional right of electing its own chairman and fixing his salary, which shall be Rs. 700 and not Rs. 1,000 as paid to Mr. Handcock.

"The Council is grateful to Government for its offer to bear the salary of the chairman to the extent of Rs. 12,000 annually and his allowances, but, in view of the provisions of section 12, would prefer to pay the chairman out of Municipal funds and trust the Government will be pleased to make an annual grant to cover the abovementioned figure to the municipality, in view of Ootacamund being a sanitarium and the summer headquarters of the Madras Government.

"In conclusion the Council would assure Government that it is in entire agreement with Government in its endeavours to secure a continuous policy for the administration of this important hill municipality."

Proposed as an amendment by Mr. A. E. Irvine and seconded by Mr. P. M. Guruswami Mudaliyar—

"That Mr. Parry's resolution be rejected and that the Government Order be accepted for the first year."

Carried by eight to four.

Endorsement of the Sub-Collector, dated 16th December 1920, *N. Dis. C. No.* 1085.

Submitted.

G. W. WELLS,
Sub-Collector.

[14th February 1921

(ii)

Endorsement of the Collector of The Nilgiris, dated 21st December 1920, No. 3510/B-2.

Forwarded. It is possible that two votes were invalid. The policy of Government has been endorsed by a majority of the Council and there is no necessity to regard seriously Mr. Parry's objection.

J. F. BRYANT,
Collector.

(iii)

Letter—from the Chairman, Municipal Council, Ootacamund.
To—the Secretary to Government, Local and Municipal Department.
Dated—the 16th December 1920.
No.—R.C. 98 G.O.

In continuation of this office letter R.C. No. 98 G.O., dated the 15th instant, sent in reply to G.O. Mis. No. 1830 M., dated the 3rd instant, I have the honour to report the following for favour of orders of Government.

Two of the nominated councillors, the Rev. H. A. D. Moorhouse and Mr. H. Irwin, whose term of office under the Act IV of 1884 expired on the 16th October and 13th November last, respectively, continued to be nominated councillors under paragraph 2 of G.O. No. 1052 M., dated 6th August 1920.

G.O. No. 1854 M., dated the 8th December 1920, intimating the Advocate-General's opinion that the system of appointment and election of councillors must continue as if the Act IV of 1884 was in force, was received in this office only on the 13th instant or two days before the special meeting, which made it impossible to take action on this latter Government Order and get them renominated.

The papers for the special meeting had already been circulated to these councillors before the receipt of G.O. No. 1854 M., dated the 8th instant, and they attended the meeting and voted in favour of the resolution. It seems to me a doubtful point whether their votes are valid or not and, if not, whether the proceedings of the meeting are also invalidated.

I request that the Government will be pleased to give a ruling in the matter.

Order—No. 125, L. & M., dated 25th January 1921.

In G.O. Mis. No. 1830 M., dated 3rd December 1920, the Government invited the views of the Municipal Council, Ootacamund, on the suggestion that its Chairman should be appointed by the Government instead of being elected by the Council. In its resolution, dated 15th December 1920, the Council accepts the suggestion for the first year. The Government have considered this resolution and with reference to it the Council's attention is invited to the fact that under section 12 (4) of the Madras District Municipalities Act, 1920, a chairman appointed by Government can hold office only for one year, and that it is therefore always open to the Council to move the Government to allow the election of its chairman at the end of any particular year. The Government therefore direct under section 12 (1) of the District Municipalities Act, 1920, that the Chairman shall be appointed by them until further orders.

2. The appended notification will be published in the *Fort St. George Gazette* in English and in *The Nilgiri District Gazette* in English and Tamil.

3. Under section 12 (2) of the Madras District Municipalities Act, 1920, the Government sanction with the consent of the Council a salary of Rs. 1,000 per mensem for the office of the Chairman of the Ootacamund municipality. The charge will be met from provincial funds.

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4. The Chairman is informed that the two councillors mentioned in his letter of 16th December 1920 will by the operation of section 366 (*a*) of the Madras District Municipalities Act, 1920, continue in office until the date which may be fixed by the Government for their retirement and that the resolution of the Municipal Council, dated 15th December 1920, is valid.

(By order of the Government, Ministry of Local Self-Government)

F. J. RICHARDS,
Secretary to Government.

APPENDIX.

Notification.

In view of the importance of Ootacamund as a sanitarium and of the expenditure in which the municipality is involved by the fact of its being the summer headquarters of the Government, the Government consider that the Chairman of the Ootacamund Municipal Council should be an officer of good engineering and other qualifications and that the Government should pay the whole of his salary and allowances. The Government therefore direct under sub-section (1) of section 12 of the Madras District Municipalities Act, 1920, that the Chairman of the Ootacamund Municipal Council shall be appointed by the Government.

APPENDIX IV

[Vide answer to question No. 38 asked by M.R.Ry. R. Srinivasa Ayyangar Avargal at the meeting of the Legislative Council held on the 14th February 1921, page 29 supra.]

G.O. Mis. No. 294, Revenue (Special), dated 11th February 1920.

Read—the following paper :—

From—the Registrar of Co-operative Societies.

To—the Secretary to Government, Revenue (Special) Department.

Dated—the 20th December 1919.

No.—5313.

Order—Mis. No. 294, *Revenue* (*Special*), *dated* 11*th February* 1920.

The Government are not prepared to direct that co-operative societies should generally be exempted from payment of fees for services rendered to them by the Industries Department. They would however suggest that the Director of Industries and Registrar of Co-operative Societies should be able to consider and decide all cases in which the remission of fees is desirable wholly or in part on the application of co-operative societies for such remission.

(True extract)

L. D. SWAMIKANNU,
Tempy. Addl. Secretary to Government.

APPENDIX V.

[Vide answer to question No. 64 asked by M.R.Ry. Rao Bahadur K. S. Venkataratna Ayyar Avargal at the meeting of the Legislative Council held on the 14th February 1921, page 36 supra.]

Statement of expenditure incurred for the maintenance of flood banks of the Vettar.

Year.	Amount.			Year.	Amount.		
	RS.	A.	P.		RS.	A.	P.
1895-96	6,407	11	5	1908-09	11,937	4	6
1896-97	4,884	12	9	1909-10	12,705	11	9
1897-98	2,878	1	4	1910-11	8,936	7	9
1898-99	3,458	6	0	1911-12	5,316	2	4
1899-00	3,110	13	1	1912-13	8,055	8	9
1900-01	3,269	12	6	1913-14	4,732	3	10
1901-02	3,256	14	2	1914-15	5,276	11	8
1902-03	4,358	4	2	1915-16	3,331	4	3
1903-04	4,330	5	10	1916-17	2,110	11	9
1904-05	5,529	4	3	1917-18	2,107	14	7
1905-06	4,216	1	10	1918-19	2,699	14	4
1906-07	2,525	1	10	1919-20	3,683	3	2
1907-08	5,780	8	11				

The Hon'ble the PRESIDENT :—" Before we proceed to the next stage, I will appeal to the Members to talk as loud as they can. It is very clear from the short experience we have had that unless a Member talks as loud as he can he has no chance of being heard except by the very small circle around him. Therefore, if any Member wants to make an impression on other Members, I would strongly advise him to speak as loudly as he can. And I do not think it is a particularly difficult task ; it may appear difficult at the outset, but the voice is a thing which can be gradually worked up. I say these things because we have a large number of Honourable Members who have not been in the previous Council, and they may not have realized the difficulty of getting heard in this hall. I would therefore beg of them to take this matter into their serious consideration, so that at the end of a few days we may have the satisfaction of feeling that any Member can rise in any place and be heard all over the hall."

Assent of Acts.

V

The Hon'ble the PRESIDENT :—" I have to announce that the undermentioned Acts which were passed at the meetings of the Council held on the 30th September and 4th October 1920, received the assent of His Excellency the Governor on the dates severally noted against them :—

'The Madras Elementary Education Act	12th	October	1920.
'An Act to amend the Madras Salt Act, 1899 ..	20th	,,	,,
'An Act to amend the Co-operative Societies Act, 1912	20th	,,	,,
'An Act to amend the Madras General Clauses Act, 1891	20th	,,	,,
'The Madras District Municipalities (Amendment) Act, 1920	20th	,,	,,

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'The Mulgeni Rent Enhancement Act, 1920 .. 20th October 1920.
'The Madras Local Boards Act, 1920 .. .. 3rd November ,,
'The Madras Village Panchayat Act, 1920 .. 20th October ,,'

VI

The Hon'ble the PRESIDENT :—" I have to announce that the undermentioned Acts which were passed at the meetings of the Legislative Council held on the 30th September and 4th October 1920, received the assent of His Excellency the Governor-General on the dates severally noted against them :—

'The Madras Elementary Education Act, 1920 .. 18th November 1920.
'An Act to amend the Madras Salt Act, 1889 .. 27th ,, ,,
'An Act to amend the Madras Co-operative Societies Act, 1912 .. .. 28th ,, ,,
'An Act to amend the Madras General Clauses Act, 1891 .. .. 24th ,, ,,
'The Madras District Municipalities (Amendment) Act, 1920 .. .. 25th ,, ,,
'The Mulgeni Rent Enhancement Act, 1920 .. 27th ,, ,,
'The Madras Local Boards Act, 1920 .. .. 19th December ,,
'The Madras Village Panchayat Act, 1920 .. 19th ,, ,,

VII

The Hon'ble the PRESIDENT :—" I have to announce under section 52 (4) of the Government of India Act, that His Excellency the Governor has appointed the following non-official Members of the Legislative Council as Council Secretaries, viz. :—

'(1) M.R.Ry. Edwin Periyanayakam Avargal.
'(2) ,, A. Ramaswami Mudaliyar Avargal.
'(3) ,, P. Subbarayan Avargal.'

VIII

The Hon'ble Mr. SUBBARAYALU REDDIYAR Avargal :—" I approach my brother councillors with a resolution relating to the pay of Council Secretaries. They are three in number and their names appear on the paper in hand. They were appointed by His Excellency the Governor in Council under the discretionary power vested in him."

Mr. S. SRINIVASA AYYANGAR :—" I rise to a point of order. We should have had notice of this before coming to the Council. It is not on the agenda which was circulated."

The Hon'ble the PRESIDENT :—" Was not a revised agenda placed on the table ? "

Cries of " Yes, Yes."

Mr. M. RAMACHANDRA RAO :—" Apparently another agenda has subsequently been printed."

Mr. S. SRINIVASA AYYANGAR :—" There is only one agenda."

Rev. MACPHAIL :—" I ask the gentlemen to speak out so that we may have some chance of hearing them."

The Hon'ble the PRESIDENT :—" What is the point of order ? "

Mr. S. SRINIVASA AYYANGAR :—" The point of order is we have not had notice of this motion."

The Hon'ble the PRESIDENT :—" What is the Standing Order ? "

Mr, S. SRINIVASA AYYANGAR :—" I take it that the agenda was settled by the President."

The Hon'ble the PRESIDENT :—" Was not a copy of the revised agenda placed on the table an hour before the Council met ? "

Sir P. TYAGARAYA CHETTIYAR :—" Yes, we have all got it here."

The Hon'ble the PRESIDENT :—" Is there any specific period for the circulation of the agenda ? "

Diwan Bahadur M. RAMACHANDRA RAO :—" May I know whether it is proposed seriously to suggest that the agenda should be placed on the table one hour before the Council begins and we should be prepared for the agenda ? All that I can inform you, Sir, is that we received a printed agenda through the post, and that is the one we have here. In that agenda, No. 8 is mentioned as the Deputy Speaker's Salary Bill. Under these circumstances, I suggest that the question of ' Council Secretaries ' which is placed before the Council should not have come to-day on the paper. Another agenda should be issued to all the Members, and the matter must come later or at some time convenient to the Minister in charge of the Bill. I would appeal to the Honourable Members of Government to treat us with a certain amount of consideration, because we were taken by surprise when this matter was put before the Council to-day."

The Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR :—" I have got an agenda which contains this resolution."

Diwan Bahadur M. RAMACHANDRA RAO :—" I never saw it before I came here. I have got another which does not contain it."

The Hon'ble the PRESIDENT :—" The Standing Order simply says that a list of business will be prepared and circulated to all Members."

' A VOICE ' :—" All Members ? "

The Hon'ble the PRESIDENT :—" I have not yet finished : I will ask the Members to permit me to finish what I have to say before they say anything. At the same time I think it must be somewhat inconvenient to have such a short notice, and it is a matter for consideration, by the Hon'ble Mr. Subbarayalu Reddiyar, whether this may not be taken up at a later stage, so that Members may have some time to think over it."

The Hon'ble Diwan Bahadur A. SUBBARAYALU REDDIYAR :—" I have no objection to the President's suggestion, if he thinks it may be taken to-morrow."

The Hon'ble the PRESIDENT :—" I will take it up to-morrow."

Diwan Bahadur M. RAMACHANDRA RAO :—" I formally move that the resolution be adjourned for to-morrow."

Mr. S. SRINIVASA AYYANGAR :—" I second it."

Sir P. TYAGARAYA CHETTIYAR :—" We all have a copy. If by any mischance it was not placed on the table, or that my colleague Mr. Ramachandra Rao has not seen it. . . ."

The Hon'ble the PRESIDENT :—" Order, order. I take it that it has been proposed and seconded that item No. 8 on the agenda be postponed for consideration as the first subject to-morrow. Do Members agree ? "

The motion for adjournment was put to the Council and carried.

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IX

Papers laid on the table.

The Secretary then laid on the table the following notification issued by the Government under sub-section (1) of section 12 of the Madras District Municipalities Act, 1920 :—

"In view of the importance of Ootacamund as a sanitarium and of the expenditure in which the municipality is involved by the fact of its being the summer headquarters of the Government, the Government consider that the Chairman of the Ootacamund Municipal Council should be an officer of good engineering and other qualifications, and that the Government should pay the whole of his salary and allowances. The Government therefore direct under sub-section (1) of section 12 of the Madras District Municipalities Act, 1920, that the Chairman of the Ootacamund Municipal Council shall be appointed by the Government."

X

The Deputy President's Salary Bill, 1921.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, I move that the Deputy President's Salary Bill be read in Council. At present, it is only a formal motion. If this is agreed to, I propose, with the sanction of the President, that the Bill be taken into consideration at once. On that motion, there will be a discussion. I formally move that this Bill be read in Council."

The Hon'ble the ADVOCATE-GENERAL :—"I second it."

The motion was carried. The Secretary then read the title of the Bill.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"I request the permission of the President to move the next motion, that the Bill be taken into consideration at once without waiting for the 15 days' notice. If I have the permission of the President I shall move it at once."

The Hon'ble Mr. Habib-ul-lah Sahib seconded the motion.

The Hon'ble the PRESIDENT :—"It has been proposed and seconded that the Bill be taken into consideration at once, and I suspend Standing Order No. 39 for the purpose."

The motion was put to the Council and carried.

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"Mr. President, I wish to offer a very few remarks on what I may call the merits of the Bill, i.e., the amount of the salary specified in the Bill. That is the only point. I may say at once for the information of the House, that we have looked through the Government of India Act and Rules framed thereunder and the Standing Order. I find that the only duty, so far as I can see, of the Deputy President is to preside in the absence of the President. Normally, therefore, the President will preside over the deliberations of this Council and I hope and expect that the President will give us the benefit of his advice and guidance almost throughout all our sittings. The provision for a Deputy President is in cases of accident, which I hope will not occur. The Deputy President is not, therefore, going to be ki led with work and I expect he will have really not much work. The office will be more or less honorary, if I may say so ; and it is, I consider, that aspect of the matter, that has persuaded one of the Members to reduce the salary from Rs. 5,000 to Re. 1. This reminds one of the award of damages by Courts in certain cases. At the same time, the office is one of dignity and position. At times when he presides, he will have to give rulings on points of order which he will expect the House to obey and to obey implicitly. It was therefore considered that an honorarium suitable to the dignity of the post should be fixed After consideration, the sum

of Rs. 5,000 was specified in the bill. All men generally make mistakes. But in view of the other amendment, namely, that the salary of Rs. 5,000 be raised to Rs. 12,000, and in view of the fact that the budget will be presented to the House in a very few days and as I believe there will be a controversy, I may tell you that you will be hard put to tally your expenditure with the income—and so far there is no near prospect of our ever increasing our income—it becomes necessary, absolutely necessary, that we must scrutinise with great care any proposals for additions to obligatory expenditure even though it may be a rupee. I have nothing more to add, and I propose this Bill."

The Hon'ble Mr. HABIB-UL-LAH SAHIB :—"I second it."

The Hon'ble the PRESIDENT :—"We now will take the amendments. Mr. Sasibhushana Rath."

Mr. DEVADOSS :—"May I ask why my amendment may not be taken first? If the other amendment is lost, my amendment will also fall through."

The Hon'ble the PRESIDENT :—"There is no particular reason why one amendment should prejudice the other. I shall proceed according to the order of the agenda."

Sriman SASIBHUSHANA RATH :—"There is a cry for retrenchment in public expenditure everywhere, and in response to that, the Government have fixed the salary so absolutely low as Rs. 5,000 a year for the Deputy President. I do not see any reason why there should be such a difference between the salary of the President and that of the Deputy President. If it were an honorary appointment the matter would be quite different. But when you want to set a value upon a person or post, you should set the right value upon the person or post. You have got the power to fix the salary at Rs. 5,000 or Rs. 12,000, a year as I suggested, or at one rupee as the other amendment suggests. Once you have used the power, you cannot use it again. I understand the legal opinion is that once you exercise your power you cannot revise it."

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—"May I say that this is not correct? You can pass an act of legislature whenever you want one."

Sriman SASIBHUSHANA RATH :—"Then, in doing the work of the Council, I do not see any reason why the Deputy President should be out of pocket to any extent. Apart from the question of dignity and status, there is the question of absolute necessity. The Deputy President, I see, is to preside over certain committees. He has to remain in Madras, come away from the mufassal, and is it our desire that he should be out of pocket to any extent? Indiscriminate pruning is not considered desirable even in plants in a garden, and it is much more so in the case of the administration. If you go on in this way,—of course there is to be a discriminate cutting of expenditure—you will ultimately impair the administration. Viewing it from any standpoint I think it is necessary, absolutely necessary, to raise the salary of the Deputy President to Rs. 12,000, and I think I am not asking for much."

The Hon'ble the PRESIDENT :—"Does any Honourable Member second this amendment?"

Rao Bahadur V. APPASWAMI VANDAYAR :—"I beg to second the amendment proposed by Mr. Sasibhushana Rath."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I am afraid that I must oppose this amendment. I am sure, Sir, that neither you nor the Honourable Members of this House will misunderstand me when I oppose this amendment.

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Unfortunately, the office of the Deputy President was filled up before this motion came on for discussion. It is likely that—I am not speaking to those who are present as Honourable Members in this assembly ; I am speaking also to those who are outside—there may be an unfortunate impression in the minds of some people outside that there is a personal consideration involved in this amendment. With reference to that aspect, I may at once say that the qualifications of the present Deputy President alone be taken into consideration, I would willingly vote not only for Rs. 12,000 but Rs. 1,20,000 for him. My present observations are purely in the abstract and my reasons for opposing this amendment are these.

" As the Honourable Member in charge of the Bill has stated, the Deputy President has duties and responsibilities. The responsibilities, no doubt, when he has to exercise them, will be very great, but generally, the duties of the Deputy President are not likely to be very great at any time. As my friend the Hon'ble Mr. Srinivasa Ayyangar stated, there is the President who, I am very glad to observe, is in enjoyment of very good health—and may he continue to enjoy that health very long—and the chances are that he will always be here with us to guide our deliberations wisely and well. Of course, there may be days when either on account of ill-health or for other private reasons, he may have to be absent from the Council. Then, certainly, it is necessary that somebody else should take his place, and if the Deputy President is here, it is his duty and it is his privilege to take the President's place. But, as I said, such occasions are likely to be very rare. Moreover, there are, in addition to the Deputy President, four other gentlemen who have been appointed as the panel of chairmen to preside on occasions when the services of neither the President nor of the Deputy President are available, and it is certainly very unlikely, almost impossible, that all these four gentlemen will be absent from the Council when unavoidably the President has to absent himself, so that, as has been stated, the work and the duties of the Deputy President are not likely to be very heavy ; so, looking at the work and the duties alone, it is not necessary that anything more than Rs. 5,000 should be paid for this post. Then again, one thing strikes me, Sir, and it is this. I am in the dark, absolutely in the dark, as to whether there has been any correspondence or consultation about this matter between this Government or the Honourable Member in charge of the Bill and the Government of India or other Governments. It seems to me, however—my inference may be thoroughly wrong—that probably there has been some consultation with reference to this matter between the various Governments *inter se* and between the Local Governments and the Government of India. My reason for this inference is this. There is apparently a unanimity of opinion throughout India that there must be some proportion between the importance of the Provinces and the salary of the Deputy President. I find that, in Assam, the pay of the Deputy President is to be fixed at Rs. 2,500 per annum. Assam is not a very well-developed Province—I am very glad that no Assamese is here to hear that remark—and in any way, that Province is inferior to ours. It is regarded as such and the pay, as I said, of the Deputy President of the Council of that Province is to be fixed at Rs. 2,500. The pay of the Deputy President in Bihar seems to be fixed at Rs. 3,000, and in Bengal the other day the proposal by the Government was to fix it at Rs. 5,000 and that was carried by the Council ; and a similar proposal is put forward before this House to fix the salary at Rs. 5,000, so that, it seems to me that there is some general plan on which the salaries of the Deputy Presidents, of the various provinces are fixed. If that be the result, as I surmised, of a previous consultation, that shows probably that some minds have been at work on this point. In any case, whether there has been consultation or not, the proposal to fix it at Rs. 5,000 seems to me to be quite reasonable.

"However, before I close my remarks, I may say, Sir, with the consent of the Honourable Member in charge of the Bill, that I would like very much, if there is no objection and if the section in the Government of India Act allows it to call this amount not 'salary' but 'honorarium'. There is very much in a word, and if it is possible without any legal difficulty to substitute the word 'honorarium'—and my friend Mr. Srinivasa Ayyangar used that word in the course of his opening remarks—it may be done. I observe it is possible to use the word 'honorarium' in place of the word 'salary'. I believe it will be more satisfactory. With these words, I have to oppose the amendment."

Mr. K. V. RAMACHARI:—"Mr. President and gentlemen, I oppose this amendment. In opposing this proposition, I have to bring another fact to the consideration of the Council. The mover of the amendment said that some dignity is attached to the office, and to be in keeping with the dignity, the salary must be raised. My opinion is that there is a good deal of dignity attached to the office and there is no doubt about it, and we do admit it. But dignity and salary are quite different things. It may be that an office is very much dignified and that a person occupying it draws no salary, and the subordinates under him draw big amounts of salaries, but on that account the person holding that office cannot become undignified. If we think that the salary attached to the offices relate in any way to the dignity of the office, we shall be mistaking the shadow for the substance. And so, I press this point also for the consideration of the Council, that the Rs. 5,000 fixed by the Bill is very fair (and, if necessary, we may have to reduce the amount and not increase it). I oppose the amendment by saying that the amount fixed, i.e., Rs. 5,000 per annum, is a very reasonable and fair amount which anybody will accept."

Rao Sahib U. RAMA RAO:—"Mr. President, I oppose this amendment on grounds of economy. We have to meet very heavy bills in a very few days when the budget is presented, and it is the duty of the Council to cut down every extravagant expenditure. The Hon'ble Mr. K. Srinivasa Ayyangar, the Member who introduced the Bill, said that there is no work for the Deputy President and it is only honorary. Such being the case, I do not see why—."

The Hon'ble Mr. K. SRINIVASA AYYANGAR (*interrupting*):—"I did not say that there would be no work at all for the Deputy President. Otherwise, he need not be paid anything at all."

Rao Sahib U. RAMA RAO (*continuing*):—"He said that at any rate the Deputy President has not much work to do and the place is practically honorary. Such being the case, I do not see any reason why the Deputy President should be paid at all. But under the Act we have to fix some salary. The mover of the Bill also said that the Deputy President's office requires dignity, honour and position, and consistent with his position, he must be paid. I am of opinion that if one wants more honour, he must be a honorary worker. He must not be paid anything whatever. There is more honour in serving the Council without remuneration than in serving with remuneration. That is the reason why he must not be paid anything at all, but that is not the point at issue. The Honourable Member who moved the amendment said: 'Why should we make a difference between the President and the Deputy President? I say, the President is a full-timed officer, he has to remain in Madras, preside over the deliberations of the Council; and in addition he has to give rulings on interpellations and resolutions and prune them whenever necessary; whereas the Deputy President has absolutely nothing to do whatever of this kind, except to preside in his absence. Another point made out by the Honourable mover is that the Deputy President will be out of pocket. Why

should he alone be out of pocket? All of us are on the same level. We are all honorary workers and I do not see any reason why he alone should be paid. One other point urged was that the Deputy President will have to remain in Madras. I do not know whether it is a fact or not, but I hope that the President will give this information. If he is not to remain in Madras, he is in the same boat with us who come from different parts of the Presidency and I do not see any reason why he alone should be paid a salary. We have nothing to do with the personal aspect of the question. We are only considering the matter from the public and economic standpoint. As for Mr. Kesava Pillai I have got the highest regard for him. He has served the country for so many years ungrudgingly. There is another aspect of the question if I may be permitted to say, i.e., generally all public workers when once they receive pay, act against the public interest. My friend Mr. Kesava Pillai has been always a friend of the poor. I am afraid the moment he receives a salary the people may not care for him and he may not care for the people. With these remarks, I strongly oppose the amendment."

Mr. S. T. SHANMUKHAM PILLAI:—"I quite agree with and endorse every word that has been said by Mr. Krishnan Nayar. In view of the nature of the duties and responsibilities attached to the offices of President and the Secretary, the Deputy President has very little to do. Then, again, it has to be observed that there is a panel of four chairmen to assist him during the absence of the President to do the duties put upon him. I think, further, as the mover said, the appointment of the Deputy President is more honorary than stipendiary. I have, however, no objection to any amount of honorarium being given to the present Deputy President. But I do not want to have any big salary attached to the office. We have got lots of other demands on the public funds. We cannot be too careful in the distribution of funds, and I do not think it is quite necessary that a salaried appointment should be created between the President and the Secretary. So far as Mr. Kesava Pillai is concerned, I have not the slightest objection to any amount of honorarium being given to him. But that is not possible. The original proposal of Rs. 5,000 per annum is quite sufficient to meet the cost of living, including house-rent and conveyance charges. With such an honorarium, men of the type required for the post will not be wanting. With these words I oppose the passing of the amendment."

Mr. S. SOMASUNDARAM PILLAI:—"Sir, I do not think anybody who knows me will mistake my attitude on this point. It is not for the sake of the person who holds the responsibility but for the sake of the office that a salary is fixed. Perhaps a prince may accept the place of a soldier. Is he not to be paid the pay of a soldier? So, the person who occupies the Deputy President's place may be a very big man, but the Deputy President's pay has been fixed as only Rs. 5,000 per annum. It is not on the principle of economy I am speaking. Every place has its own pay and should have nothing more. To-morrow another Deputy President may come. We do not know who comes and who goes. Therefore, I strongly protest against this amendment."

Mr. K. GOPALAKRISHNAYYA:—"In opposing this amendment I wish to draw the attention of the House to the fact that the majority of us are responsible to the tax-payer. On the question of economy we have heard some of the remarks of the Members that have spoken in the House that the budget which is going to be taken up in the next meeting will not be a pleasant one. On the question of economy we shall have to consider whether this Rs. 5,000 that is fixed by the original resolution will not be sufficient for a Deputy President's office. Of course, the mover of the amendment has brought to the notice of the House that on two

grounds he does not want to draw a distinction between the President's salary and the Deputy President's salary. Of course the Act does not provide for any special functions of the Deputy President who is just like one of the chairmen who have been appointed for the House. Of course, there is another point which is raised by the Honourable Member for the amendment and that is that he will have to preside over some of the committee meetings. It is not stated anywhere that the Deputy President should preside over committee meetings, and it is not essential that the Deputy President alone should be the chairman of the committees. It may be any member or the President or the Chairman. So these two grounds will not hold water. As to the remark by the Hon'ble Mr. Krishnan Nayar, that the Deputy President's salary in Assam has been fixed at a much lower sum and the Deputy President's salary in Bihar has also been fixed at a lower sum, we may take the example—."

Diwan Bahadur M. KRISHNAN NAYAR :—"May I offer one remark by way of explanation?"

The Hon'ble the PRESIDENT:—"Is it a personal explanation?"

Diwan Bahadur M. KRISHNAN NAYAR : —"I am sorry if I was not clear My friend has evidently misunderstood me. Perhaps I was not very clear. What I stated was that in Assam and Bihar it was not yet fixed. The proposal was to fix in Assam Rs. 2,500 and in Bihar Rs. 2,000."

Mr. K. GOPALAKRISHNAYYA :—"However, it has been fixed in Bengal. I suppose we may safely follow that example. I am afraid there is some sort of misapprehension among some of the members with regard to the person who holds this office and with regard to the duties that are attached to the office of the Deputy President. No doubt I have great respect for the gentleman who holds this office. As remarked by Mr. Krishnan Nayar, he is a gentleman who is entitled to draw even a higher salary. But we are not concerned with the person who holds the office. As was remarked by Mr. Somasundaram Pillai, we are concerned with the office and the duties and the burdens which this office will have to carry ; and as such, the amendment will have to be opposed and the original Bill for Rs. 5,000 accepted."

Rao Bahadur K. S. VENKATARAMA AYYAR :—"I also join Mr. Krishnan Nayar in opposing the amendment. It is not on the ground of economy that I oppose the amendment. The questions of status and of salary have absolutely no bearing on this point. There are so many non-officials occupying places which were hitherto occupied by collectors and they draw no pay. The Hon'ble the Minister for Education was a District Board President and he was doing much more work for nothing. The only consideration that should weigh with the Council is whether this office is not merely an honorary office. It is very unfortunate that the Legislative Council rules should contemplate fixing any salary for the Deputy President at all. The rule says that the salary shall be fixed. Therefore it has to be fixed. We cannot say that the Deputy President, who is to take the place of the President during his absence, is in any way superior or inferior to the Secretary. The Deputy President has to preside only in the absence of the President and there are four other gentlemen who will take the place when the Deputy Presdent is absent. There is no rule that the Deputy President ought to be present here and that he should apply for leave if he wishes to be absent. The question of salary has been fairly considered by the member in charge of the Bill and also by Government. At the time when the motion for election for Deputy President came on last, myself and several other Members thought it rather delicate to fix the salary of the Deputy President after the gentleman was elected and therefore

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I even thought of making a motion for adjournment of that subject till the salary was fixed. But some Members told me that after the Council was opened by His Royal Highness the Duke of Connaught, the very first motion that was brought before the Council should not be one for adjournment. Being a Hindu who attaches weight to auspicious occasions, I thought it was not proper to make a motion for adjournment on that subject. So far as Mr. Kesava Pillai is concerned, he has done much work. He has been a non-official President of a District Board and is not going to give up that office because he has become the Deputy President of this Council. I do not think that if Mr. Kesava Pillai is consulted, he would ask for any higher pay than Rs. 5,000. I do not see why the Council should trouble itself to oppose, or move, any amendment to the sum fixed in the original Bill which has been fixed after taking into consideration all circumstances—after considering the duties and the responsibilities of the office and the time that will have to be spent by the holder of the office of the Deputy President."

Mr. O. TANIKACHALA CHETTIYAR:—"I rise to support the amendment that has been moved by Mr. Sasi Bhushana Rath. In asking the House to consider the allocation of salary, I wish it to bear in mind that under the Act the only appointment which the Council has the privilege and the honour of conferring by its own vote, is that of the Deputy President. No doubt I am aware that the President is, by the Act, except for these four years, to be appointed by the Council. We are now in the first meeting of the Council. The appointment has to be made by the Council and the salary has to be fixed by an Act of the Legislature. The word is 'salary' and not 'honorarium'. Honorarium, I submit, is only another expression for concealing the consciousness on our part that the salary which is proposed to be given is inadequate. Therefore it is that while conceding on the part of my friend Mr. Krishnan Nayar that as salary it is inadequate, as honorarium it is sufficient. I submit that the question whether it is sufficient or not is not the point at issue. The appointment is one of honour and dignity. The salary fixed should be one which helps that honour and dignity to be maintained. This is a Council consisting of the bright stars of the Presidency. Here are merchant princes, rajas, and vakil rajas; but over and above them it will be the privilege, the highly prized privilege, of the elected member to preside. Suppose him to be a poor man. To support him in his dignity, you ought to give a pay worthy of that dignity, and therefore I say that Rs. 1,000 a month or Rs. 12,000 a year as proposed by the amendment is not too much. I have heard it said that some members oppose it on grounds of economy. I am afraid, Sir, that the air is now surcharged with economy ever since the announcement, of the composition of the Ministry. All this economy was not heard when the Chelmsford-Montagu report was before the country and when evidence was being given before the Joint Committee of Parliament."

Diwan Bahadur M. RAMACHANDRA RAO:—"I wish to rise to a point of order. I should like to know, Sir, whether the remarks of the Honourable Member who has just spoken in regard to the cry for economy having been heard after the Ministry was formed, is in order."

The Hon'ble the PRESIDENT:—"What has the Honourable Member to say?"

Mr. O. TANIKACHALA CHETTIYAR: "I heard my Hon'ble friend Dr. Rama Rao appeal to the Council on the ground of economy. Therefore I have a perfect right to speak on the history of the cry for economy and as to the date of its origin. When the cry of economy is started, I submit we will not allow ourselves to be persuaded by wrong notions merely because this cry has been raised. This cry has been in the back ground before the announcement of the composition of the

Ministry. In Bengal it was said the other day, when they fixed the sum at 5,000, that they could do without any salary at all. The person now occupying the post in this province can ill-afford it. It is a matter for the holder of the appointment to say whether he will or will not receive it. But it is the duty of the Council to see that one whom they set over all to preside over the deliberations in case the President is absent shall be one who shall be enabled by the salary drawn, if necessary, to fill that post with dignity."

Diwan Bahadur M. RAMACHANDRA RAO :—"I have heard the many speeches that have been made in connexion with this amendment with interest. The Honourable Member who has proposed this amendment, I venture to think, has not adduced any reasons as to why the salary should not be fixed at Rs. 5,000 as proposed in the Bill. From the remarks made by him, all that I could gather was that the salary was 'absurdly low'. I do not know what test he applied in proposing the emoluments of the office of the Deputy President as suggested by him. One would suppose that in a matter of this kind, we should be guided by the volume of work which the Deputy President has to deal with. As it is, Honourable Members are aware that under our rules the Deputy President is not the Chairman of Committees as in the House of Commons where the Deputy Speaker has to preside over the whole House, in the committee of supply, in the committee of ways and means and he has certain definite functions assigned to him. We are therefore in a position to estimate the volume of work that he is likely to deal with. In this Council the Deputy President has to step into the chair during the absence of the President who has to decide on the admissibility of Bills and on the admissibility of resolutions and has to deal practically with all the work that comes up before this Council. I was looking into the history of this question of the Deputy Presidentship in England. I find that up to 1855 there was no officer of the House with the designation of Deputy Speaker. As Honourable Members are aware, the English habit is to make provision only when the actual necessity is felt.

"It was an extraordinary revelation to me that up to 1855 there was no officer of the House with the designation of Deputy Speaker. It would look as if whenever the speaker was not able to be present on account of illness or other cause, there were occasions when the House of Commons adjourned or contrived to adjourn their sittings. They always attached great importance to the speaker himself being in the chair; but after 1855 the volume of work that came up before Parliament greatly increased. Legislation of the Victorian era contributed greatly to this change: and in 1855 the House of Commons appointed a special committee to go into this question and after hearing what the committee had to say in regard to the volume of work likely to be dealt with by the Deputy Speaker, the question was taken up seriously and the provision was made for the appointment of a deputy speaker. I submit to the Council whether it would not be wise on our part to accept the proposals of the Government as embodied in this Bill and if and when the necessity arises, to make a better provision than has been made in the Bill. It will be open to this Council to amend the Act and propose an increase in the salary of the Deputy President when a case is made out. So far as I can see, under our rules the Deputy President is not called upon to perform any statutory duties in the House on particular occasions as in the House of Commons. He is a kind of stop-gap whenever the President is not in a position to attend to his duties in this House. Under these circumstances, let us not at all mix up this question with personal considerations. I do not think it is the object of anybody to act on personal considerations and it is unfortunate that such a suggestion should have been made in this House. Therefore I would appeal to the Council

to be content with the proposal that has been made by the Government. And if we find the necessity to raise the pay on any future occasion it will be perfectly open to us to do so. We are starting with one Deputy President and a panel of four speakers and we shall not therefore be justified in raising his pay. We cannot ignore the question of economy referred by the Hon'ble Mr. Srinivasa Ayyangar very properly in this matter. As has been pointed out my by friend Mr. Gopalakrishna Ayya we have to consider the rate-payer. Mr. Tanikachala Chettiyar suggested that this Council consists of stars of the first magnitude—zamindars, zamindar—vakils and people of that sort. He may be right. If as a matter of fact all these gentlemen whom he has mentioned are in this Council, I should be delighted if they will contribute to the pay of the Deputy President. Unfortunately it has to come from the tax-payer. The fact that there are so many distinguished gentlemen in this assembly is no reason why we should unnecessarily expend the tax-payers' money. As regards the sittings of this Council, all that I can say with some experience in the past, is, it may be that the sittings in a whole year may extend to about three or four months. I would ask the House whether an allowance of Rs. 5,000 is not an adequate allowance by way of honorarium for the Deputy President to be in Madras and to take the chair whenever the President is absent. That is the question which we have to consider, and I for one have no hesitation in adopting the proposal made in this Bill and to leave for future consideration whether any increase is necessary."

Rao Bahadur A. P. PATRO:—"Sir, as a tax-payer, I stand for economy. The Honourable Member that spoke before me has given his test for fixing Rs. 5,000 a year. The mover of the amendment has told us what tests he applied in fixing Rs. 12,000 a year. The Honourable Member who criticized him has not placed before the House any reasons why Rs. 5,000 has been fixed."

Diwan Bahadur M. RAMACHANDRA RAO:—"May I rise to make a personal explanation?"

The Hon'ble the PRESIDENT:—"Any point of explanation in regard to your speech?"

Diwan Bahadur M. RAMACHANDRA RAO:—"I said that the sittings of the Council would extend to not more than three or four months and that the salary proposed would be an adequate salary."

Rao Bahadur A. P. PATRO:—"Then it was said that the volume of the work before the Deputy President would be such that it would not necessitate the payment of Rs. 12,000. But members should realize that when non-official members would send in interpellations and questions and resolutions, it must be staggering to even the most energetic President to dispose of them without assistance. We know that the pruning knife has been freely applied in the case of questions and resolution on this occasion. But if the same process is to be applied always then it will be a great grievance on the part of the Honourable Members against the President that pressure of work had induced him to veto resolutions and questions. Therefore the President, as being nominated by the Government, and the Deputy President as being elected by the people, will both of them work together for the pruning of questions and for considering resolutions; and that is the kind of work which the Deputy President will be expected to do, to assist the President in such matters. I am aware that the Act only prescribes that he is to preside on occasions when the President is absent or unable to attend the meetings. But then it must happen in the ordinary course of business that the President himself will not be able to tackle the volume of work unless he is assisted by the peoples' representative, viz., the Deputy President. As

regards the volume of work, it has been urged before you that there is plenty of work for the Deputy President to do. Secondly, the English habit is referred to. We know the Englishman : he is conservative. We know what the English Minister or Prime-Minister is paid. The analogy of the English system does not hold good under Indian conditions. But if we also expect that the same condition of things should prevail in India, then it will be reasonable to apply those principles wholesale. But when we consider here that the English President does not apply in so many other cases of high salaries, I do not see any reason why these analogies should be applied to the case of the Deputy President. The Honourable Member who opposed the amendment has not given any adequate reasons to meet those advanced by the mover of the amendment. I am in support of the amendment, namely, Rs. 12,000 a year. My reasons are, the volume of the work—the people's representative will have to co-operate with the President who is a nominated President—and that volume of work has to be adjusted between them and it is not the case that the Deputy President will merely attend Council settings along with other Members and draw his Rs. 5,000 for such attendance. If he has no work whatever to do, and the President and the Deputy President are not to co-operate with each other in the work that is to be placed before the House, then by all means abolish the place instead of having one on Rs. 5,000."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I rise to a point of order. The last speaker referred to the Deputy President having other work to do. So far as the resolutions and interpellations are concerned the rule is very clear : 'There will be a Deputy President of the Council who will preside at meetings of the Council in the absence of the President, and who must be a Member of the Council elected by the Council and approved by the Governor.' I do not think he has got any other work to do."

The Hon'ble the PRESIDENT :—"What is the point of order that the Honourable Member has raised ?"

Mr. C. V. VENKATARAMANA AYYANGAR :—"I may be allowed to say that the Deputy President is not to assist the President as regards the interpellations and resolutions."

The Hon'ble the PRESIDENT :—"That is not a point of order. He will forgive me for pointing out that he has not raised a point of order at all ; he has delivered a speech. I do not say anything about the reasonableness of the speech at all."

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, Mr. Patro tried to make a point by stating that the Deputy President has duties to perform which the President may not be able sometimes to discharge himself, to settle the Agenda, to apply his pruning knife to questions and resolutions, and so forth. He is under a misconception. The rules are perfectly clear that the Deputy President of the Council will only preside at meetings of the Council and has no concern whatever with the functions of the President in allowing or disallowing resolutions or questions. Another rule is also perfectly clear, 'The Deputy President and any Chairman of the Council, when presiding over the Council, will have the same powers as the President when so presiding, and all references to the President in the rules and standing orders shall, in these circumstances, be deemed to be references to any such person so presiding'. It says that there shall be a Deputy President who shall preside in the absence of the President. There is no power for the President to delegate his power of disallowing questions, etc., to the Deputy President. The whole of that part of the argument, therefore, goes overboard.

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Then there was an argument urged as to the dignity of the Deputy President. I do not wish to enter into the question, nor do I agree with the Law Member who spoke in support of it, as if Rs. 5,000 were necessary for supporting any dignity or position. Of course, the real answer is that Rs. 5,000 is a good enough figure to pay for the office of a Deputy President. We can arrive at no ratio between the salary of the President and the Deputy President. The salary of the President is outside the jurisdiction of this Council. And the fact that he has a high salary is no argument to be taken into consideration in arriving at a sound judgment upon this question of what should be the pay of the Deputy President. In the next place, some distinction has been made between honorarium and salary. I should like to treat it only as a salary. The salary is a good salary and that is a sufficient answer. Nor do I agree with Mr. Tanickachala Chettiyar when he says that there are in this Council Rajas, Vakil Rajas, and so forth. This is a democratic assembly and we are having a representative Government here and we are not going to be persuaded by that kind of appeal to feeling which he made. Then the only other argument, if I may say so with all respect, is not a right argument that the Deputy President, as a poor man, should get well paid. I do not think we can take that into consideration either, nor is it a justifiable reference. My own submission to the House is this. We are fixing the salary of the Deputy President and I entirely associate myself with all that fell from Mr. Somasundaram Pillai. I can hardly add to the powerful speeches delivered by Mr. Krishnan Nayar and Mr. Gopalakrishnayya, in opposing the amendment which Mr. Sasibushanam Rath moved. I must take leave to congratulate the Council upon the excellent opposition that has been put up to this amendment and it shows that the new Council will work the Reform Act in a spirit of economy and is not going to be persuaded by considerations which are entirely alien to the only purpose for which a representative body like this has been established, has been inaugurated by the Duke of Connaught and opened to-day by His Excellency the Governor In these circumstances, I would make a strong appeal to all sections of the House, especially as no Minister has declined responsibility for fixing this Rs. 5,000 as the proper salary; and the Hon'ble the Law Member must have moved the Bill in consultation and with the perfect approval of the Ministers. They form a united body. No Minister has spoken of it as inadequate. In these circumstances, I ask this House to reject the amendment and to support the original proposition."

Mr. P. Siva Rao:—"Mr. President, I rise to oppose this amendment. It is very unfortunate that this Bill fixing the salary of the Deputy President comes up after the election has taken place. Some of us wished and strongly wished that this matter of the salary should have been fixed before the Deputy President was elected, and it is an unwelcome feature of the debate that personal considerations have been imported into it. I earnestly implore the Honourable Members of this Council to eschew all personal considerations in the matter, whether A happens to fill the office, or B does it for the time being. It is a matter thoroughly irrelevant for the purpose of the discussion in question. Now we should see, Sir, what the duties of the Deputy President are. The Honourable Member for Ganjām, the Hon'ble Mr. Patro, was assigning some duties of his own to the office of the Deputy President. He was not reading the Statute correctly. The Statute is binding on all and it is not within the purview of the local legislature to amend or alter it. I read the Statute as it is. The only duty assigned to the Deputy President under the Statute is that he shall preside during the absence of the President. Neither the Statute nor the Rules lay down that the President of this Council can delegate any of his functions to the Deputy President."

Rao Bahadur A. P. PATRO :—"I did not say 'delegate'. I am very conscious of the wording of the language of the Act. It is out of the power of the President to delegate, and I only said that the President may use him and have his co-operation in his work."

Mr. SIVA RAO :—"Now, Sir, the Hon'ble Mr. Patro said that the Deputy President is supposed to, or expected to assist the President in the discharge of his duties. Those words are still fresh in my mind and are still ringing in my ears. But can he do it? Under the Statute in regard to the appointment of Secretaries, we hear it, we read it, that the Secretaries are expected to assist the President in the discharge of his duties. So anything he may do, or the Deputy President may be called upon to do, except presiding in the absence of the President, will be *ultra vires*, will be illegal. As was well pointed out, there are four chairmen—a panel of four chairmen nominated by the President—so there will be five of them. This duty of presiding during the absence of the President may not come up at all and it is not laid down anywhere that the Deputy President should reside at the headquarters, I mean at Madras; and it is not laid down anywhere that he could not fill any other honorary office. It is not laid down again that he is a full-time servant of the Government or a servant of the Crown; he may attend to his other duties as well. In these circumstances we shall take a dispassionate view, we shall take an impersonal view of the whole matter. We shall see whether Rs. 5,000 per annum is not strictly commensurate with the duties that have been assigned to the Deputy President. It was whispered in some circles that the Deputy President would have to preside over the meetings of the Committees; in other words, it was suggested that the Deputy President is an ex-officio member of all the Committees appointed by the Governor, whereas the Statute says that his only function is that he should preside over the meetings of the Council during the absence of the President. It may be that the Deputy President may be appointed as the Chairman of any particular Select Committee, but it is not one of his obligatory duties. Then, Sir, I feel I do not put it merely on the ground of economy, which seems to irritate the Hon'ble Mr. Tanikachala Chettiyar, I put it on other grounds as well, that Rs. 5,000 is a fairly adequate pay for the duties assigned to the Deputy President. With these words, I oppose the amendment."

Mr. A. RAMASWAMI MUDALIYAR :—"Sir, I wish only to speak a few words on the amendment especially with reference to what fell from the Honourable Member who has just spoken. I understood the Honourable Member for Ganjām to say that though the Statute has fixed the duties of the President and also of the Deputy President, he would expect, in the normal course of business, finding the enormous work that would be thrown on the President, the enormous responsibilities that he would have in cutting and withholding resolutions and in disallowing questions, and having also regard to the fact that he, for the time being, happened to be a nominated President and not a President elected by the will of the majority of this House, I thought the Honourable Member for Ganjām meant to suggest that, notwithstanding the Statutory rules, the President would take into consultation the views of the Deputy President in arriving at what resolutions should be disallowed and what questions should be thrown away. I, Sir, am surprised, certainly most disagreeably surprised, at the speeches that have just been made by two of the Honourable Members of this House who, speaking on behalf of the democratic assembly which has been inaugurated by the Duke of Connaught, still found that their democratic feelings did not rise sufficient to the level of saying that that was the duty which they expected the President to assign to their own elected Deputy President. I, Sir, am certainly surprised to find that

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the Honourable and learned Member for the University of Madras, who was conscious of the democratic atmosphere of this House and who felt that he was here as a limb of the newly, developed democracy, still maintained that the President under the Statute should not take into consultation the Deputy President. We are all certainly accustomed to rely too much on the Statute. The habits of the courts cling to us even in the Legislative chamber, and I certainly wish that Honourable Members would less frequently refer to volumes of Statutes and take into consideration more the difficulties of the situation and the obvious resources which are at our disposal. I am certain, Sir, you (addressing the President) as one who is anxious to meet the wishes of every member here, would certainly concede to the request proceeding from the large body of Members of this House if they were to place before you, Sir, the suggestion that in your various and arduous duties you would take the advice of our elected Deputy President, in choosing dispassionately which resolutions may be allowed and have his assistance even in the interpretation of the rules regarding the disallowance of resolutions and of interpellations. I therefore think that, whatever decision may be arrived at ultimately as regards the salary of the Deputy President, I certainly think that in this respect at least I am voicing forth the opinion of the great majority of this House when I appeal to you, Sir, that at least in interpreting the Standing Orders, you will take the Deputy President's views also into consideration."

Mr. S. Srinivasa Ayyangar:—"Is this in order, Mr President?"

The Hon'ble the President:—"There is nothing out of order. Go on, please."

Mr. A. Ramaswami Mudaliyar:—"The Honourable Member for the University is anxious to find out how it is in order. It is in order in a very simple way. It is in order if the President is agreeable to the course suggested, and there is nothing to suggest that he is not agreeable or that he will not hereafter be. The whole volume of opinion against fixing the Deputy President's salary over Rs. 5,000 is on the assumption that his work is very very small and that he has merely to preside on the off-chance of the President vacating the chair. That argument is cut under ground, if, as I suggested, the President is to take into consideration the views of the Deputy President on all matters in the Agenda. It means that the Deputy President has to be in Madras at least 20 days before the commencement of the session. The reason is very simple. You have got fifteen days for the resolutions and one week for the questions and the President has to take the questions and resolutions into consideration at least fifteen days before the commencement of the session. The President has to be at work throughout these twenty days. I have been a spectator myself, and I know the arduous duties which fell upon the President, and I feel it is the wish of the House that during these twenty days the Deputy President also should day after day assist the President in coming to a conclusion on all these questions. Sir, on account of all this—and I do not want to labour this point over again—I certainly say that whatever may be the result of the deliberation with regard to the salary of the Deputy President, this question has also to be taken into consideration, and if it is taken up by the Honourable Members in this House without exciting themselves, without showing any feeling in the matter and without reference to personality, they will come to a right decision on this question. I am not here to point out what that decision itself should be. That is left to Honourable Members. But I only suggest to Honourable Members to take this fact also into consideration and come to a conclusion. The Honourable Members are aware of the fact that this matter was not settled before the person of the Deputy President

was chosen. I certainly think that if this question had been taken up earlier, we would have given a different turn to the discussion altogether. To that extent I agree with the Honourable Members in deploring that this question has been taken at this stage. I have nothing more to add."

Rai Bahadur T. M. NARASIMHA ACHARLU :—" Mr. President, the question before the House is to fix the salary of the Deputy President. It has been said on one side that the volume of business that the Deputy President has to do is not much. It has been said on the other hand, that, though not by Statute, he may have to do much work because the President will certainly consult him on all matters of general importance that come for decision. Now, Sir, we do not yet know whether the one side or the other is correct. We have yet to see what volume of business will fall to the Deputy President. We are going to pass an Act and the Act can be amended later on, if in practice and by experience we find that the Deputy President has to do a good deal of work not only as a legal obligation, not merely in presiding over our deliberations, but also by way of being consulted by the President in the matter of shaping resolutions or allowing and disallowing questions. If that is so, if in practice he has to do so much work, is there not time enough for the Government or any Honourable Member to bring forward an amending Act to increase the salary of the Deputy President? At present what the Government has done is to fix an arbitrary amount. What the amendment proposes is an equally arbitrary amount. And yet another amendment which will be brought before you proposes an extremely aribitrary amount. So, Mr. President, why should we now discuss so much about the littleness of his work or the great volume of his work. We shall wait and see, and then there will be time enough for us to increase that salary or even to decrease it. So, Mr. President, I oppose the amendment and I support the Bill because the Government have certainly considered the matter though they have no doubt fixed an arbitrary amount. If by experience we find that it is too little, we shall increase it. If we find that it is too much, we shall decrease it. because I am as good a representative of the tax-payer as anybody else. If really he has to do more work, certainly the tax-payer should not grudge to pay the amount that is really needed for the work. But, as I have already submitted, it is a matter on which we are groping in the dark, I mean the volume of his business. I therefore suggest that we shall wait and see."

Mr. T. ARUMAINATHA PILLAI :—" Mr. President, my friend Mr. A. Ramaswami Mudaliyar supported the amendment with a warmth and vehemence,—I would with all respect to him say,—worthy of a better cause. I rise to oppose this amendment. Taking out the warmth and vehemence from his speech, one only finds this thing left, namely, though the Statute provides that the Deputy President should only preside at meetings in the absence of the President, yet an appeal is made to you, Sir, a warm appeal, that in the discharge of your duties, in allowing resolutions or diallowing resolutions, in pruning questions or in allowing questions or disallowing them, you must give some sort of opportunity for the Deputy President as well to help you. If Mr. A. Ramaswami Mudaliyar means that when you, Sir, as the President of ths Council, allow a portion of your duties to devolve upon the Deputy President, then the salary of Rs. 12,000 might be a fit salary for him. But I would only say that, so far as the present discussion is concerned, we have only to see what the duties of the Deputy President are under the Statute by which we are governed. Under the Statute by which we are governed and under the rules framed under the same Statute, the Deputy President is to preside in your absence. I have heard it said, I believe,—I may be correct

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or perhaps I may be wrong,—that the Deputy President has also to preside or to be the Chairman of certain Committees. But so far as the rules are concerned, I do not find any committee in which the Deputy President will have to be Chairman ex-officio, unless perhaps the gentleman who made this suggestion had this thing in his mind—the amendment of the Hon'ble Sir Lionel Davidson wherein he wants to introduce a Standing Order No. 80 after Standing Order No. 79 for a committee to look after the convenience, comfort, messing and other arrangements of the Honourable Members wherein the Deputy President will be the ex-officio Chairman of the Committee. If that were to be the only place in which the Deputy President has to preside, I must then think, Sir, it is not a very arduous duty. I think one would take it as a very pleasant duty.

"If you only take into consideration the questions that are now agitating the Presidency, the question, Sir, of the non-gazetted officers who are demanding higher salaries, the question of developing our industries, the question of increasing medical aid, the question of improving sanitation, the question of improving the drainage and other systems of our municipalities, if all these things are taken into consideration, and besides all these important things we also consider that the already over-burdened tax-payer should not be burdened any more, with a single pie more, then I submit, Sir, that this Council ought not to come to any other conclusion than this, namely, that Rs. 5,000 will be a fit salary for the Deputy President. Personally, Sir, I would say that Rs. 5,000, too, is too much. But as the Government has considered the matter deeply and has placed Rs. 5,000 on the Bill, I support the Rs. 5,000 and oppose the Rs. 12,000 motion."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR:—"Sir, I share the feeling of delicacy that embarrassed Mr. M. Krishnan Nayar when he wanted to oppose the amendment especially when this office of Duputy President is now filled by a gentleman who commands the universal respect of this House. But, Sir, one or two considerations which have been urged in support of this amendment make it necessary that we even if otherwise not so inclined should consider this question apart from any question of personality. I am afraid, Sir, that for the purpose of commending this amendment to the acceptance of this House, countenance has been given by the speakers who have supported the amendment to a view which, I think, is radically wrong, and that is my chief excuse why I have intervened in this debate. It has been pointed out, Sir, that the President can and must look to the assistance of the Deputy President in the discharge of his duties as President, particularly in the settlement of the resolutions to be allowed and also of the questions that have to be put. I wish and I will strongly urge upon this House that nothing should be done by us which would give countenance to such a suggestion as that. I think, particularly on the threshold of our career as a representative body, we should recognize fully that the President and the President alone should be responsible for whatever duties the Statute has cast upon him. Let us not therefore, by any resolution that we shall adopt, now show that it is competent for the President, whatever might be the extent of advice by which he might be profited, which advice need not be necessarily confined to the Deputy President, to be freed from that responsibility, but let us make it clear that the responsibility for allowing resolutions or for disallowing resolutions, for allowing questions or for disallowing questions to the extent that such responsibility is cast upon the President by the Statute is his and shall not be shared by anybody else. If one of the reasons why we should accept the increase of the salary of the Deputy President from Rs. 5,000 as proposed by the Government to Rs. 12,000 as proposed by the amendment be that we should expect the Deputy President in the normal

discharge of his duties to assist the President in this part of his duty, I think it ought to be a decided reason why the amendment should be negatived.

"I may mention, Sir, that I do not want to suggest for a single moment that the President should not avail himself of such advice and help as it is possible for him to have not merely in this House, but even outside; but I take it that in that case he might find it as easy, as necessary and as desirable to avail himself of advice that other members of this House than the Deputy President would be able to give him when asked for. Then, Sir, the question arises whether there is anything in the amendment itself, apart from this, which I cannot help considering an extraneous consideration that has been imported into it, to recommend the amendment for our consideration and acceptance. Grounds of economy have been suggested as to why we should stop at Rs. 5,000, and when the Hon'ble Mr. Krishnan Nayar wanted to suggest that possibly there was a certain amount of consultation leading to the consensus of opinion among the various Governments in the country as to what exactly the Deputy President's salary should be fixed at, the Law Member nodded his dissent. I take it therefore, Sir, that when you find two independent members, one in Bengal and one here, between which provinces the conditions might be considered to be similar so far as this question is concerned, have independently arrived at the view that Rs. 5,000 per year is a proper salary for the Deputy President, and when you also recognize that in such proposals as these that have been put forward for the consideration of this House, it is not merely the Law Member but the other members of the Government, inclusive of the Ministers, that must have put their heads together and have arrived at a decision as to the propriety of the proposal that they make, unless we find something very wrong, especially when it is a consideration of economy, that we have to keep in view, we shall be well advised in following their lead. So far as this particular case is concerned, feeling no doubt embarrassed that the question of personality may possibly obstruct us in the consideration of this, I am compelled, Sir, to vote against the amendment that has been proposed."

Mr. R. Srinivasa Ayyangar:—"Mr. President, Mr. Tanikachala Chettiyar and Mr. A. Ramaswami Mudaliyar, I regret to note, have been mainly responsible for introducing into this debate an element of heat. So far as the pay of the Deputy President is concerned, it is not a question of status, it is not a question of dignity, for if that be so, I have not come across any standard by means of which we can measure the extent of dignity attached to that office. As this Bill is piloted through by Government, I take it that it has the support of the seven Members of the Government whom I see before me. The Government seems to have some good and weighty reasons for fixing the amount at Rs. 5,000. So far as status is concerned, section 72 (*c*) of the Government of India Act prescribes the duties attached to the office. We have not been told and no standing orders have been passed, making it clear what other duties are likely to devolve upon the holder of the office. Therefore, taking my stand upon the Statute itself and having regard to the fact that the occasions for the Vice-President to give us the benefit of his guidance, the occasions for the Vice-President to take the office of the President will be few and far between, I fail to see how the sum of Rs. 5,000 which is fixed in the Bill can be regarded as erring on the side of niggardliness.

"The Council will see that the line has to be drawn somewhere. If it is a question of dignity, suppose by a majority of votes, we choose to raise the figure and draw the line at Rs. 12,000, can it be seriously contended for one moment that the figure would be commensurate with the dignity and prestige of the office? Some may say that it comes only to three-fourths of the dignity of the office. Mr. President, as my friend Mr. Ramachandra Rao put it, we are now in the

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stage of experiment. So far as the duties are concerned let us wait and see. There is absolutely no reason why we should allow ourselves to be embarrassed by other considerations and try to have the amount raised.

"There is no question of personality. Speaking for myself and on behalf of some others present here, I may say that nothing is farther from our thought than any element of personality and that assurance I beg leave to be permitted to offer to the Council. Therefore, I appeal to the House to reject the amendment."

Mr. S. SRINIVASA AYYANGAR:—"Mr. President, may I rise to a point of order? I find that there are two or three members of the House who have vacated their seats. I find from the revised agenda that there has been an announcement of the appointment of certain members of this House as council secretaries. Now section 80 (*b*) of the Government of India Act says that if a non-official member of a local legislative council whether elected or nominated accepts any office in the service of the Crown in India, his seat in the council shall become vacant and the only exception is in the case of a minister who for the purposes of this provision shall not be deemed to be an official and presumably shall not be deemed to accept office on appointment as a minister.

"This does not arise in the case of the office of the Deputy President, because the appointment is made by His Excellency the Governor.

"I raise a point of order as to whether the council secretaries can vote. Section 52 (sub-section 4) of the Government of India Act says:—

'The Governor of a Governor's province may at his discretion appoint from among the non-official members of the local legislature, council secretaries who shall hold office during his pleasure, and discharge such duties in assisting members of the executive council and ministers as he may assign to them.'

"If a non-official member is therefore appointed to hold the office of secretary of the council, he is not a member of the House, and the case of the Deputy President is quite different, because the appointment is by the House itself. In the other case, i.e., the case of ministers of course, the result would be the same; but the statute takes care to make an exception that in the case of ministers there shall be no vacation. There is no other exception. I therefore submit for the careful consideration of the President this point of order whether the council secretaries are entitled to vote."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"May I say a word? I had some doubts with regard to this question myself. I have not stated them to the House. This morning I wrote to the Advocate-General to give me an opinion with regard to this matter. His opinion is that the appointee does not vacate. There is one point which he made, to which I may draw the attention of the council, before going further into the question. You will see under section 80 (*b*) 'An official shall not be qualified for election as a member of a local legislative council and if any non-official member of a local legislative council, whether elected or nominated, accepts any office in the service of the Crown in India, his seat on the council shall become vacant'.

"If I understand the argument of my friend Mr. S. Srinivasa Ayyangar, it is this: By nomination by the Governor to be the council secretary, the person who accepted the office has accepted an office under the Crown so that he vacates his office. Then, whether he will be entitled to seek re-election would depend upon whether he is an official at all. If we look at the rules made by the Government of India with regard to the definition of an official, if he is an official at all, as a person who has taken service under the Crown, he cannot seek re-election at all. He is paid a salary, and he is a full-timed officer. If you then take section

52 (4) providing for the appointment of council secretary, you will find that the council secretary shall cease to hold office if he ceases for more than six months to be a member of the legislative council. The result will be you cannot appoint a member of the legislative council to be a council secretary at all. That in substance is the argument given to me by the Advocate-General and I am prepared to abide by it, and so far as Government is concerned, they are bound by it."

The Hon'ble the PRESIDENT:—"I take the point raised by Mr. S. Srinivasa Ayyangar to be that these three gentlemen who have been appointed council secretaries vacate their seats in the council, and that, therefore, they should not take part either in the debate or in the division."

Mr. S. SRINIVASA AYYANGAR:—"The decision is entirely for the President and not for the Government. The Advocate-General's opinion does not bind the President."

The Hon'ble Mr. K. SRINIVASA AYYANGAR:—"I am only stating it for the benefit of the President."

The Hon'ble the PRESIDENT:—"We had better now adjourn. We will take the question immediately after lunch. We will meet again at 2-30 exactly."

The Council adjourned for lunch at 1-35 p.m.

The Council re-assembled after lunch at 2-30 p.m. Mr. M. C. Muthia Chettiyar made the prescribed solemn affirmation.

The Hon'ble the PRESIDENT:—"With reference to the point of order raised by the Hon'ble Member, Mr. Srinivasa Ayyangar, and in regard to which the Honourable the Law Member also addressed the Council, I have given this matter my best consideration, and I have come to the conclusion that the three members who have been appointed council secretaries have not vacated their seats on account of such appointment. The Council will now resume the discussion of the Bill for fixing the salary of the Deputy President."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"In view of the discussion which has taken place in regard to this question, I think the Council would be satisfied that there is absolutely no room for any differences of opinion in coming to a solution of this question. The only objections which have been raised to the pay fixed in the Bill are that the duties are not those imposed by statute, but such as are likely to be entrusted to the Deputy President according to the discretion of the President and as would require a higher salary than Rs. 5,000. The second is that to maintain the dignity of the office he would require a higher salary than what is attached to that office. This is not necessary, because we are not concerned with the duties which the President may in the exercise of his discretion think fit to entrust to him or to any of the Honourable Members of the Council. But what we are concerned with is that we should not take into account any such imaginary considerations as those which have been placed before us.

"Then coming to the question of dignity and status, may I inform this Council that a false notion of dignity and status has affected the financial position of this country? Unfortunately for us there has been a feeling prevalent here and there that status and dignity ought to be associated with the pay attached to the post. That is largely responsible for the high increase of salaries in the various departments of the public service. And that is the reason for the cry all over the country that the administration has grown admittedly top-heavy. When we have these facts before us and when we are concerned with more important measures, are we to follow the same example? Can we not take advantage of this opportunity to make a new departure altogether in the proceedings of this

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Council ? I quite agree with the spirit of the mover of this amendment that we must not have recourse to indiscriminate use of the pruning knife. But we must take into account our own financial condition. If this council is satisfied that the mere duty of presiding over meetings of the council in the absence of the President would justify an expenditure of more than Rs. 5,000 per annum, by all means we may agree to it. If the council is not satisfied that the duties are such as would justify a higher pay, we must, in spite of other considerations, reject this measure altogether. And before I sit down, may I venture to remind the Honourable Members of this council that we have met under peculiar circumstances? We have been told again and again that without further allotments for transferred subjects, these new members of the reformed council will not be able to achieve any success in the development of the various departments. And we ourselves have thought over the question whether we can find funds for embarking on large schemes of improvement. I cannot call upon the Honourable Ministers to give expression to their opinions. I believe the time will come when they will find that they cannot satisfy our demands in the departments which have been entrusted to them. And though this is the first instance, let us embark upon a policy of retrenchment of expenditure in the very first instance that has come before us, namely, the pay of the Deputy President. It is the first, but it may be the beginning of a large number of measures in the same direction. Let us therefore have a clearer view of the question : let us have a broader outlook. Let us not confine ourselves to the mere question before us. Taking this view, I move that the amendment be rejected."

The Hon'ble the PRESIDENT :—" Does the Honourable Member wish to reply ?"

Sriman SASI BHUSHANA RATH :—" Just at this stage we have spent a lot of time over the discussion of this point. At this stage I would like to be enlightened on a certain point which has not been raised in this House. It is to this effect. A section of the House says that the appointment is only honorary ; and others say that the Deputy President has to stay in Madras and has to do some work for the President and co-operate with him and all that sort of thing. Will the President enlighten me as to whether the work is honorary, and whether his time will be taken up in helping the President ? On that will depend the withdrawing of my resolution or sticking to it."

The Hon'ble the PRESIDENT :—" I do not propose to furnish that enlightenment to the Honourable Member. I will put this to the vote."

The amendment 'Instead of *a salary of Rs.* 5,000 *per annum* insert *a salary of Rs.* 12,000 *per annum*' was put to the vote and lost.

The Hon'ble the PRESIDENT :—" The next amendment is that of Mr. Devadas, which has now to be taken up, as the other has been lost."

Mr. M. D. DEVADAS :—" Mr. President, the amendment which stands against my name is ' in line 3 of section 2 omit Rs. 5,000 and insert Re. 1 '.

" I must here offer an explanation to some members of the House who thought that I was not serious in mentioning ' Re. 1 ' in the place of the figure ' Rupees 5,000 '. The reason of my giving notice of this amendment is this. If the office is going to be a sinecure, that is, if without any great effort on the part of the Deputy President he can discharge his duties now and then very occasionally, then it ought to be honorary. But if it is going to be really an onerous office demanding much of his time and necessitating his being here for a considerable length of time, he ought to be properly paid for it ; I could not use the word ' honorary ' for the simple reason that the Act makes it compulsory for the

council to give a salary. The wording of the Government of India Act is: 'The President and the Deputy President shall receive such salaries as may be determined, in the case of an appointed President by the Governor and in the case of an elected President or Deputy President by an Act of the local legislature'.

"So then, my reason for mentioning Re. 1 is to make the place honorary. I will mention a few facts which influenced me in giving notice of this amendment. In the first place, as has been observed by many Honourable Members, he has not got a very great task to perform in the council; he has to preside occasionally, very occasionally, because our respected President is expected to be here always and secondly he is not to preside over committees as the Deputy Speaker in the House of Commons is obliged to do. Evidently, when the Act was considered by the House of Commons, the position of the Deputy President was thought to be something probably analogous to that of the Deputy Speaker in the House of Commons. There is no such analogy at all. The President or the Chairman of the Select Committee is really in the case of Government Bills, the Member in charge of the Bill. In the case of private Bills, certainly the Member who brings in a Bill will be entitled to preside over the deliberations of the Select Committee. Further, the Deputy Speaker has a number of other functions to perform which are not provided for in the Act creating the office of the Deputy President here. And again, the question of salary has nothing to do with the dignity of the office. If he is an honorary Deputy President, I do not think we are going to owe him less allegiance than if he was getting not Rs. 5,000 but Rs. 15,000. Our respect for the office and our regard for the person who fills the office would be none the less whether he receives one rupee, that is, whether he is an honorary Deputy President, or whether he is going to be a highly-paid Deputy President. Sir, in this connexion, I may bring to your notice the fact that in Bengal, though the Government proposed a salary of Rs. 5,000, Mr. Roy who accepted the office of Deputy President said that he was not going to accept any salary. That shows the temper of the Members of Council in Bengal and also the feeling that prevails in the country. Sir, it is very unfortunate that this question of salary is being considered after the election to the office. Sir, when this question was first mooted, I was of opinion that the question of salary should be decided before anybody was elected to the office. But that could not be done for various reasons and therefore I am obliged to bring in my amendment to the Bill now. It is not necessary for me to say much upon the subject, but I wish to suggest that considering the fact that the office is going to be purely a very, very light one, which does not necessitate the Deputy President to be always here, nor before the date of the meeting of the council and does not require much effort on his part to fill the office, the office can very well be honorary. But, if, as time goes on, we find that much demand is being made upon his time, and if he is asked to do a lot of work, I think, Sir, a sum of Rs. 416–10–8 per mensem which the Government have proposed in their Bill is certainly not adequate. I say with all the emphasis I can command, that if it is going to be really an onerous office, the salary of Rs. 5,000 per annum which comes to Rs. 416–10–8 per mensem is certainly not an adequate salary. Therefore at present I would ask the House to adopt this amendment, namely, to pay Re. 1 per annum, which is, in other words, making it purely an honorary office. If we find as time goes on that the work of the Deputy President is really increasing and much demand is made upon his time, and if we find that his labours are such that they should be remunerated by a proper remuneration, I would certainly vote for a much higher remuneration than what the Honourable the Mover of the Bill has proposed in his Bill. With these few words, I move for the adoption of the amendment."

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Rao Sahib Dr. U. RAMA RAO:—"Mr. President, I beg to second the amendment. I do not want to waste the time of the House. I have given my reasons already when opposing the previous amendment. I entirely agree with the mover."

Sriman BISWANATH DAS:—"Mr. President, I have great pleasure in supporting the amendment offered by my friend, Mr. Devadas. In the first place, we see no duty has been assigned to the office of the Deputy President under the Act. We do not know what sort of work will be thrown upon him and what amount of help he is to render to the President. It is only time that will judge the help he is to render and probably it may be that they will have to amend the Act afterwards. Again, the Hon'ble Mr. Srinivasa Ayyangar in introducing the Bill did not give us any reason to justify our providing a pay for the Deputy President. For myself, I do not find any reason why even Rs. 5,000 should be assigned as the pay of the Deputy President. My honourable friend Mr. Rath said that there would be a loss of dignity if we reduced the pay of the Deputy President. I believe the Deputy President himself, Mr. Kesava Pillai, is the elected President of a district board and I am sure his engineer must have been drawing about Rs. 500 or Rs. 600 per mensem and he himself is working for nothing, and as such I believe he is not suffering in dignity. He is not the least affected in dignity or status. My honourable friend, Mr. Patro, the representative for Ganjam, has said that he will have onerous work and his dignity will suffer. I believe he himself as Chairman of the Berhampur municipality had under him a district health officer who was paid, I believe, more than Rs. 500, and Mr. Patro himself was working for nothing. Could I believe that he suffered in dignity or that his status was affected in any way? Therefore, Sir, I think that pay does not create status or dignity. It is only the work that brings dignity. I think Mr. Kesava Pillai will be all the more dear to us if he follows the example of Mr. S. Roy of Bengal in refusing even the little pay that this poor province could pay him. Mr. President, everywhere there has been a cry for retrenchment. The Government is found fault with for making the administration, as has been said by one of my friends, top-heavy. The pay of the President has been fixed by the Government and so we have nothing in our hands. It is only the assigning of the pay of the Deputy President that is left to us. If we, instead of accepting even the Government's figure, are to accept Mr. Rath's figure, it will bring shame upon this council when the leading opinion of Madras condemns the acts of the Government in making the administration top-heavy. Mr. President, since no work has been assigned to the Deputy President and as I am told that he can even keep up his private practice after accepting the office of Deputy President, I am inclined to support my friend, Mr. Devadas, in fixing a rupee only."

Mr. K. P. GOPALA MENON:—"Mr. President, I very strongly support the amendment moved by my friend Mr. Devadas. My reasons are as follows. After all the discussion that we have had this morning, we have come to a definite understanding as to what the functions and duties of the Deputy President are. Let us live in the present. Let us not ask the President to give some of his functions to the Deputy President and get help from him, which I am sure he does not want. Let us not think that he will ask the Deputy President to do something which is not contemplated by the Act. Under the Act, it has been over and over again said, that there is a definite and prescribed task laid upon the Deputy President. Now the difference that exists between the President and the Deputy President is this. The President has been appointed by His Excellency the Governor. With regard to the Deputy President the whole House is responsible. We have elected him. There was absolutely no other member

nominated besides Mr. Kesava Pillai who is the gentleman in whom all of us have got the greatest confidence; and, in justifying the confidence we have in the gentleman, we elected him as the Deputy President. If we give him a salary, it must certainly be a reasonable salary. I will not believe that Rs. 5,000 is either an honorarium or an adequate salary for the status of Deputy President. It is ridiculously low when compared with the honour and esteem with which we view him. I think we have to give him the greatest honour by saying that he is to be an honorary worker. Of course, there is the President with a panel of four chairmen all of whom are gentlemen of worth. Why should the Deputy President be given a poor pittance of Rs. 5,000 a year, call it honorarium, or salary, or anything you like. If you distribute this Rs. 5,000 among the poor clerks of a Collectorate or of any other office getting Rs. 10 or Rs. 12, they will have some increase of pay at least for a year. We have been receiving lots of applications from them. This is a time for economising expenditure. Let us not have the scandal of the Legislative Council consuming money when we have elected members from various districts to check the same, and of making the administration expensive by giving salaries to honorary appointments. I would therefore respectfully submit to the Council that Rs. 5,000 cannot be a salary for persons of the spirit and stamp of Mr. Kesava Pillai who from my infancy was working on the Jail and Forest committees honorarily, and who has been spending a good deal out of his pocket. He has been doing strenuous work for the amelioration of our country and countrymen. I know of no one more stalwart for the cause of the people of the Madras Presidency in particular, than Mr. Kesava Pillai. I think it is only proper that Mr. Devadas' amendment ought to be considered, and we honour Mr. Kesava Pillai by electing him as Deputy President, but not by giving him a pittance of Rs. 5,000 as salary, which correctly comes to Rs. 416-10-8. I would therefore strongly support Mr. Devadas' amendment."

Mr. T. SIVASANKARAM PILLAI:—"I rise to support this amendment. There is something in it which appeals to me. There is in it an element of satire exposing the extravagance of high salaries. Secondly, there is in it the charm of a South Indian temple perquisite which is at least in consonance with the oriental ideas of dignity attached to a sacred office. It would be a fine example of non-violent non-co-operation on the part of the Deputy President with the system of all-round high salaries. I am sure when the history of the Reform Government is written 100 years hence, the picture of a Deputy President working on a salary of Re. 1 will form a glorious tradition."

Mr. S. SOMASUNDARAM PILLAI:—"Mr. President, it is very difficult to convince our representatives. Every office presumes certain duties and those duties are to be paid for. It is left to the will and pleasure of the officer to accept it or not. But to pass a resolution and to thrust it upon a gentleman as an honorarium is rather curious. He may retort, 'Who are you to ask me to accept it?' If the House is so kind to the rate-payers, I request all the mufassal members to forego their batta and railway charges. We go to so many places of our own accord to do good to our countrymen; but cannot we come here to do public good without any batta? Honourable Members like Mr. Gopalakrishnayya and Mr. Biswanath Das should first forego their daily batta. As a solemn body, as a Legislative Assembly, we must pass the salary and it is for the officer to accept it or not. But to say that he is to be compelled to accept this salary is not common sense."

Sriman BISWANATH DAS:—"I am prepared to accept inter-class fares."

Mr. A. E. RENCONTRE:—"I oppose the amendment. It puts me in mind of a modern Utopia, an imaginary country in which there is a perfect legislature,

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perfect laws with altruistic objects. It seems to me that although at present it may be difficult to say what would be the duties of the Deputy Speaker, yet there is no doubt that there will be a certain amount of work to be done. The Bill that has been put forward by the Hon'ble the Law Member is based on the assumption that every labourer is worthy of his hire. I take it that the salary fixed is not inadequate. Although I am in favour of economy, I am certainly not in favour of excessive parsimony. I oppose the amendment and I am in favour of the original proposition."

Mr. O. TANIKACHALA CHETTIYAR :—" Mr. President, I wish to associate myself with what my Honourable friend Mr. Rencontre has stated in opposing this amendment. I was myself inclined to put a question to Mr. Devadas whether he was serious. He has anticipated me and said he was serious. The gentleman in front of me said that there were various considerations ruling his mind, in fixing one rupee as the payment. Another consideration comes up to my mind. All of us here are familiar with what is known as contemptuous damages which are given in courts of law in libel actions. The plaintiff in a libel action claims that his character has been besmirched. The court holds that technically there has been an infringement of plaintiff's right but that the plaintiff is a man of no character and his success is one which entitles him to what we call contemptuous damages such as a shilling, a penny or a farthing. So my learned friend Mr. Devadas has had the goodness to suggest, after the appointment has been conferred on a gentleman who has been long in the public life of the country, that he shall have one anna four pies in the rupee per mensem for the service to be done in the absence of the learned President who will be drawing Rs. 3,000 a month. I mean no disparagement to the President or the salary of his office over whose appointment or whose salary the council had no voice. It is suggested by this amendment that the gentleman who takes his place in his absence is to be paid one anna four pies per mensem—a magnificent sum ; and when I remember that my friend Mr. Devadas was one of several gentlemen who seconded the appointment of Mr. Kesava Pillai as Deputy President, I am inclined to ask whether Mr. Devadas conceived this idea of limiting the salary to one rupee per annum after his nomination or before. I can hardly think that Mr. Devadas intended to enjoy grim humour at the expense of the present nominee by first proposing him and then saying he shall have this magnificent sum. I think it is playing with public life to come and suggest that the Deputy President shall be appointed by a unanimous vote and after he is so appointed by the unanimous vote of the Members and is entitled to take the place of the President in his absence and when it comes to the question of his salary, to suggest that he should be paid rupee one. That, if I may be pardoned for saying so, is to damn him with faint praise. I therefore oppose this amendment and I hope the House, in view of all that has been said as to the necessity of economy, will at least bear in mind what the Hon'ble the Law Member has said in moving this Bill, that it is a position of honour and dignity and therefore taking all things into consideration, Government has considered that Rs. 5,000 will be a fair sum and the House will support this Bill."

Mr. M. D. DEVADAS :—" I wish to make a few observations. It was not at all in the sense in which lawyers use the word contemptuous damages that I put rupee one. Otherwise I would not have used the term honorary. It is not at all in contempt of any one that I moved this amendment. Further, Sir, I may say that I had the honour of suggesting that Mr. Kesava Pillai should be the Deputy President. I yield to none in my admiration of the excellent qualities of

Mr. Kesava Pillai. It is not on that account at all. As I submitted a little while ago, if it is going to be purely a sinecure, it should be honorary. That would redound to the credit of the House as well as the gentleman. If it is going to be a real and onerous thing, he should be well paid. That is the position I take up. If it is going to be a sinecure, let it be honorary. With these few remarks I commend this amendment to the House."

The amendment was put to the vote and lost.

The Bill as proposed was passed into law.

The Madras Survey and Boundaries Bill, 1921.

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur introduced a Bill to amend the law relating to the survey of lands and settlement of boundary disputes.

In doing so, he said:—" Mr. President, I beg to introduce a Bill to amend the law relating to the survey of lands and settlement of boundary disputes and to move that it be read in Council. I may at once state that the Bill together with the Statement of Objects and Reasons has already been published and I have no doubt that Honourable Members have already seen the same. I shall not therefore take up anything like more than a few minutes in just very briefly explaining the necessity for this Bill. Honourable Members are aware that the enactment now in force is contained in Madras Act IV of 1897. It was clearly the intention of the framers of that Act that a particular provision contained therein, namely, section 13, should be considered in a light different from that in which it has been subsequently construed by judicial pronouncement. It was clearly their intention that all entries made in the survey records should be regarded as final until their accuracy was challenged in a court of law. But the Madras High Court in a certain case has held that the wording of the section does not convey that interpretation but that it is still left open to individuals who did not prefer appeals before the survey officers to contest the validity or otherwise of the entries made in survey records within the usual statutory period of law but not within the specified period of limitation prescribed in section 13. That, Mr. President, was the immediate necessity for examining the provisions of the existing enactment and introducing the necessary amendment thereto. On this occasion advantage was also taken to bring the law up to the present requirements. We realized that in future it will be more and more necessary for us to survey an estate or some such areas, to undertake resurveys and also undertake surveys for the purposes of maintenance. The provisions of the existing Act have been as far as possible brought up-to-date with these intentions in view. Power has also been taken by this Bill for the purpose of enabling Government to conduct survey of an estate or for the matter of that any area, even without an application from the proprietor thereof, if it is considered necessary or essential that that survey shall be conducted for the determination of the various purposes therein specified. And it is therefore stipulated that a portion of the cost of such survey shall be recovered from the proprietor. It is the intention of this legislation to leave to the future rules which will be framed under this Bill the exact fixation of such proportions. Various other minor alterations have been introduced in this Bill. It was originally the intention of the Madras Government to bring up before this Council merely an amending Bill. But on full consideration, the Government came to the conclusion that it would be preferable if the whole of the law was consolidated and re-enacted. And it is in pursuance of that intention that I have now the honour to present this Bill in the present form to this House. With these remarks, I beg leave that the Bill be read in Council."

14th February 1921] [The Hon'ble Mr. K. Srinivasa Ayyangar]

The Hon'ble Mr. K. SRINIVASA AYYANGAR :—" I second it."

Diwan Bahadur M. KRISHNAN NAYAR :—" I am very sorry, Sir, that I feel that I am bound to oppose the principle of this Bill. I may say at the outset that my respect for the Honourable Member in charge of the Bill is very great, and that I almost feel that there must be something wrong in the chain of reasoning which leads me to my conclusion. I may also say that I feel equally strongly with him and with those who are in responsible charge of the administration of Government and particularly of the Revenue administration that it is essential that there should be a Survey and Boundaries Act, by whatever name you may call it, to enable the Government to settle the revenue and to collect it. I do not therefore in the least question the necessity for enacting a Survey and Boundaries Act. My present observations are confined to certain objections to the principle enunciated in the Bill as it has been framed. I may also say that this is not the time for considering objections to details in the measure. I believe that there are very many details in the Bill which should be amended or altered; but if, in spite of my opposition, the principles of this Bill be affirmed, and if the Bill be referred to a Select Committee, then that is the time for considering these objections to details. With these observations I shall confine myself now to the main features of the Bill and I shall try to be as brief as possible.

" In this Bill the definition of an estate is given. An estate, in brief, means a settled estate, whatever its nature may be. And there is also the definition of 'Government land'. It is stated that all other lands than 'Estates', that is, permanently settled estates are 'Government lands'. So that the Bill contemplates only two classes of lands which are mutually exclusive,—'settled lands' and 'non-settled lands'—which are 'Government lands'. Thus all lands must be included either in the one category or the other. Whichever is not a settled estate is a Government land. Then, with reference to the territorial operation of the Bill it is stated that it extends to the whole of the Presidency. So that there is no locality whatever in the Presidency that is exempted from the operation of this Bill and consequently from the operation of these two definitions, viz., those of an 'Estate' and 'Government land'. Now, speaking with reference to the district from which I come, it is well known to all Members of Government and all lawyers and, I believe, to all the Members more or less of this House that all the lands in Malabar are what are known as jenmi lands. They belong to proprietors, big or small, who are called jenmis. But whether big or small, the owners are jenmis, and there is not an inch of ground in the whole of Malabar district that does not belong to one jenmi or another. Whether Government is the owner of land or not in other districts is a disputed proposition. Whatever the correct view with reference to this may be, in Malabar it is an accepted position that the Government does not own one inch of land except of course as a private owner. It is open to the Government to purchase by private negotiations any land in Malabar like any other private purchaser. The Government has also other means of acquiring jenmi property, namely, by the right of escheat—it is a right peculiar to the Crown—or say by putting into operation the provisions of the Land Acquisition Act. But we are not concerned with these details. For my present purpose all that is necessary to state is that the Government is not the owner of land in Malabar. Thus the effect of the territorial operation of this Bill taken with the definitions of 'Estate' and 'Government land' is to convert by a stroke of the pen, all the jenmi lands in Malabar, the whole of the district of British Malabar, into 'Government lands.' I have heard that in ancient times owners of religious institutions known as mutts used to go to particular places and blow their conches, and the effect of such blowing was that

all land within the reach of the sound of the conch became immediately the property of the religious mutt. But there was a restraint put upon these religious heads, if they appropriated in this way lands belonging to a private owner. These religious heads had also to bear the burden of sins of that owner, so that very often the consideration of being burdened with the sins of the owner prevented these religious heads from blowing their conch shells. No such consideration will weigh with Government or this House. What is more, the range or the reach of the sound of the conch extended only to a particular distance. Here this particular conch shell, this Bill, is heard throughout the whole of the Presidency, throughout the whole of the Malabar district. I am sure that my Honourable friend the Revenue Member did not intend all these consequences. It may be said that this is not a law for confiscating all the jenmi property of Malabar as Government property. No doubt it is true; but the effect of this Bill after it ultimately becomes law in the Statute Book will be to enable Government, say, 25 or 30 years hence or even to-morrow, to claim all the property in Malabar, i.e., all the jenmi property as Government land. It is certainly not within the province of any legislature, even if it be a paramount legislature or a sovereign legislature, and much less within the province of a subordinate legislature like this to pass such a measure.

"Then there is another important point for consideration. A very important principle in this Bill that affects not only Malabar but all the districts of the Presidency is this. Power is given to the survey officer, which is invested with a peculiar degree of sacredness. Here again I admit that the provision in question is only a reproduction of the existing regulation more or less. But as my Honourable friend has stated, now that we are repealing the whole Act, and introducing a consolidated Act, this opportunity must be taken to remedy all the defects that exist in the present Act. Apparently, the present Act (I can speak with perfect ease and confidence because I do not know who it was that was responsible for the drafting of this Act of 1897) is an ill-conceived one with reference to the power that is given to the surveyor; the effect of the surveyor's decision under the Act, whether it is passed in the absence of the parties or not, is to invest it with a final and binding authority and that is also avowedly the object of the present Bill. It is stated that that was the intention of the legislature in 1897. The decision of the surveyor whoever he may be, he may be a low-paid servant or otherwise, is final, unless it is questioned in a court of law before the expiry of one year from the date of the decision. The surveyor settles the boundary, asked or unasked, in the presence or absence of the party. Settlement of a boundary means fixing the ownership. A and B may be neighbouring owners and by fixing the boundary in a particular direction, A may be deprived of a particular portion of his property or B may be deprived. And whether this decision was given in the presence of the owner of the property or in his absence, the effect is the same, viz., it is practically in the language of the lawyers *res judicata* after the expiry of one year. How are these questions settled in ordinarily constituted courts of civil law? The munsif or an experienced district judge or sub-judge does not give decisions on the ownership of lands hastily, but decides the question after examining many witnesses, reading several documents, and listening to the arguments of learned professional men. And even these judicial officers' decisions are not accepted by the parties who take them to courts of appeal. It is only then that some finality is given. And for the purpose of settling this kind of dispute, regarding a boundary which these experienced judicial officers with the assistance and help of experienced lawyers find it so very difficult to decide, a surveyor, probably a Rs. 15 man, goes to the spot and

probably without hearing the proprietor—even if he hears the proprietor that does not make much difference in his conclusion—gives a decision and that decision is final, unless it is questioned in a court of civil law before the expiry of one year. Here, again, I am sure that that was not the intention of the former Legislative Council. Though my friend now says that that was the intention, I doubt very much whether that could have been the intention of any reasonable body of men, and I do not think that that would have been the intention of the former Legislature. And now, not only is it sought to reproduce that provision in the present Bill, but to give it greater strength by declaring in plainer words that it should be final. In other words, it is sought to kill the decision of the High Court; that is the object of the present Bill. I am sure, Sir, that a statement of this proposition will, without any additional argument, be sufficient to convince the Honourable House that such a power should not be given to survey officers and such importance should not be attached to the decision of surveyors. Now that opportunity is being taken to amend and repeal the existing law and to enact a new one, I think this House should take care to confine the operation of this Bill—the Survey and Boundaries Bill—to revenue purposes. Of course, it is necessary—and I am very particular about it—that the Government should have the power to demarcate the land for the purpose of collecting the revenue. It is for the owners to settle their boundary disputes before a properly constituted court. This is another important principle that runs throughout the whole of the Bill.

"Another important thing is this. It is stated expressly in the Bill, and that is said to be another object why this present Bill is introduced, that the provision enabling the landholder to supply labour and stones has been often found in practice very difficult and therefore power is now taken to enable the Government to supply labour and stones in the first instance. Under the old Act also both these provisions existed, viz., that the owner should provide labour and stones in the first instance, and if he does not do it, the Government may do so and recover the expenses from him. Now it is said that in order to get rid of the difficulty of the owner not providing stones and labour, the Government is enabled to supply stones and labour in the first instance. It is stated in the Statement of Objects and Reasons, that there is no objection for the landholders or owners or the proprietors themselves to supply stones and labour, if they are willing to do so, and if they want to do so. Only the Government should have also the power to do it. Curiously enough it is not stated in the Bill that the landholders may supply labour and stones, though it is expressly provided for in the existing Act, that is, in the one that is sought to be repealed. I feel, Sir, that it is very essential and it is very necessary that this should find a place in the Bill. I am sure that my Honourable friend will have no objection to this. It is only a defect in the drafting of the Bill; it is only an omission and not an intentional one. However, it is of particular importance. This provision enabling the landholders to supply their own labour and stones must be specifically enacted in the statute itself. It may be stated that the Government may make provision for these by rules, and, as far as I can see, one sub-clause of a particular section (section 26) enables the Government to make rules for various purposes, and, under sub-clause (*f*) of that particular section, Government may have power of framing rules to regulate the furnishing of survey marks, etc. I have my own doubts if that sub-clause will so enable the Government to frame rules on this subject. Whatever it may be, that is the only provision in that particular section which may enable the Government to frame rules. Supposing it does give power, it is certainly necessary that this power which is expressly granted by the existing statute, must be embodied in the new Statute itself and not in the rules to be framed under it. The rules will

be framed by the Government with the best of intentions; but it is natural that the attention of the Government, the mind of the Government, may not be drawn to the necessary defects. In this Council there are 127 members, and one man or another will see the defect and that will be pointed out to the Council, and the defect can be remedied. All these safeguards will not exist in the framing of rules, and I am sure that my Honourable friend will have no objection to the insertion in the statute itself expressly of that power which it is considered the landholders should have.

"Then another important thing is this. It is stated in one of the sections that the cost, including the charges of survey officers and supervising officers, may be collected from the parties. The Government is given the power not only of recovering the cost of labour and stones, but in addition to that, the charges of survey and supervising officers, which would mean their pay, or a fraction of their pay, whatever it may be. It may include the pay of the particular surveyor who carries on these operations, his assistant and the person who holds the general supervising authority, etc. It may go up, if strictly construed, even to the head of the Survey Department. I wish to call particular attention of the Honourable Members to the absence of this provision in the existing Act. The existing Act does not enable the Government to recover these charges, I mean the cost of surveyors and supervising officers, though I admit in practice they are actually recovered. When the landholders on account of their laziness or other causes do not supply labour and stones, the Government do it at present. In recovering the cost the Government include not only the cost of labour and stones, but also the charges of these officers. But when the bill containing the charges is given to the proprietors and when the proprietors ask for the details, the details are not given. Now, power is taken under this Act to legalise a practice which is not sanctioned by law. This is not merely a theoretical objection. As a matter of fact, very often the cost that is recovered now, including the charges of the supervisors and surveyors, comes to two or three times the actual cost incurred in supplying the stones and labour. Why should the charges of these officers and the head of the department be recovered from the poor landholders? The officers are there to do this duty, whether the private owner gives them labour and stones or not. The owners have to supply these things, and of course it is certainly reasonable that the cost of the stones, labour and the actual expenses incurred should be paid by these proprietors or should be recovered from them. But why should the cost of supervisors, etc., be recovered from the landholders? I think, Sir, that this also should be attended to and remedied."

Mr. A. RANGANATHA MUDALIYAR:—"I wish to know whether the observations and all the remarks made by the Honourable Member refer to the principle of the Bill and whether they are pertinent. I say that all these points may better come when the Bill is under discussion, rather than at this stage."

Diwan Bahadur KRISHNAN NAYAR:—"With very great respect to my friend and to you, Sir, I most humbly submit that it relates to principles and only to principles and nothing else."

The Hon'ble the PRESIDENT:—"Order, order."

Mr. RANGANATHA MUDALIYAR:—"My appeal was to the President."

The Hon'ble the PRESIDENT:—"I consider the Honourable Member is in order."

Diwan Bahadur M. KRISHNAN NAYAR:—"I may at once say with your permission, Sir, that I will not weary my friend very long; I shall be brief.

14th February 1921] [Diwan Bahadur M. Krishnan Nayar]

"Another important principle is this. In the existing Act it is specifically stated that the decision of the survey officers, whatever it may be, should be communicated to the parties concerned. This provision is absent in the present Bill. Here again, I am inclined to think that it is purely unintentional. I think that in the case of such officers as the survey officers who are executive officers, who have to go from place to place and who are not like regularly constituted judicial tribunals which are fixed at particular places where the parties and pleaders can go and know the decision, it is highly necessary that their decisions, whatever they may be, should be communicated to the parties, so that they may know what they are. I dare say, Sir, that both in your capacity as one of the members of this Government and in your experience as the administrator of an important State, you might have heard such objections very often. I think these objections are very reasonable. These executive officers are wandering officers—I don't mean any offence by saying wandering officers. I only meant that the parties cannot always go to the places wherever they are. It is essential that these decisions should be communicated to the parties concerned so that they may know that a decision has been passed either in their favour or against them, so that they may take the necessary steps for questioning it especially because they have to do it before the expiry of one year.

"As I promised my Honourable friend, I shall not tire him very long. The time for appealing to the superior survey officers against the decision of the deciding survey officers is reduced from three months to one month. That seems to be intentional; otherwise I cannot understand why a reduction has been made. Probably if these objections are placed in the proper form before the Select Committee, I dare say they will rectify them. As I said, there are very many other things. They are matters of detail though they are particularly important. If, in spite of my motion, the Bill is accepted in principle by this Council at the present stage and referred to a Select Committee, probably many of these important details may usefully engage their attention. It is to the principles of this Bill as it is drawn up now that I object, though I consider it highly necessary that the Government should be armed with a Survey and Boundaries Act."

Mr. PRABHAKARAN THAMPAN:—"I wish to associate myself with what Mr. M. Krishnan Nayar has said to-day and wish to oppose the introduction of this measure. I am afraid that sufficient publicity has not been given to the Bill. It is a thing which concerns all the people of this Presidency and I therefore appeal to the members to postpone the introduction of this Bill a little longer."

Rao Bahadur A. S. KRISHNA RAO:—"This Council is now called upon to give its sanction to the introduction of this Bill. The previous Act of 1897 has been in operation for 23 years, and the Bill before the House is not an amending Bill but a Bill to consolidate the law on the subject. It is stated that this Bill is due to the doubts created by the decisions of the High Court. Before this House can give its assent to the introduction of the Bill, I think it is necessary for the Honourable Member in charge of the Bill to satisfy this House that there have been several cases in which hardships have been created, and that it has become imperatively necessary to go beyond the provisions of the previous Act. I have gone very carefully through the Statement of Objects and Reasons, and I have listened with great care and attention to the Honourable Member's speech. I am not satisfied that any circumstances have arisen during the past 23 years which justify a departure from or a modification of the provisions of the existing Act of 1897. It is stated that on account of doubts thrown by the decision of the High Court on the intentions of the original framers of the Act of 1897, it has become necessary to introduce this measure. The question which arose in the

High Court was whether in a case where there was no dispute between the parties regarding the boundaries, the order of the survey officer was conclusive. If information had been placed before this Council as to the extent to which that decision has affected the interest of either the Government or the proprietor, it would have been a matter for consideration whether we ought not to give our assent to the introduction of this Bill. The Honourable Member does not stop with that change, but wishes to proceed further. He wishes to take advantage of this opportunity to introduce further radical changes in the Bill. He wishes to bring it into conformity with all modern methods as he states in the Statement of Objects and Reasons. According to the present Act, section 17, it is open to the proprietor to apply for the survey of an estate, and it is open to the Government to order such a survey for specific reasons to be recorded before the issue of a notification. Without stopping there, another provision is made in the present Bill that the Government may of its own accord order the survey of an estate, if it be considered necessary for the better or more convenient assessment or levy of irrigation cess.

"The object of introducing that change cannot be justified owing to the introduction of a further provision that in such cases the Government will not be called upon to pay the whole cost of survey but the proprietor of the estates will also be called upon to contribute to the cost of survey in certain proportions to be fixed by the rules. I would ask the Honourable Member in charge whether he can place before this House figures tending to show that the interests of one or the other have been seriously affected by the want of that provision in the existing Survey and Boundaries Act. There must be some necessity shown before a change is effected, but we have not been furnished with such information. In the absence of information, I would ask the members of this House not to give their assent.

"Similarly we find in the existing Act that by a notification, the survey officer can call upon persons either to supply labour or to supply survey stones. The present Bill takes away that provision altogether. It gives power to the Government to incur the cost, apportion the cost among the persons having interest in the estate and recover the same from them. The mere statement of the Honourable Member in charge of the Bill that it will be open to the parties to make some arrangement with the Survey officer and supply survey stones cannot be accepted, so long as we find no such provision in the Bill itself. We cannot now state what sort of rules are going to be framed. In respect of these important points radical changes have been introduced in the present Bill and I would ask the House to wait and pause and obtain full information as to the necessity and justification for these changes."

Rao Bahadur A. P. PATRO :—"I oppose the introduction of this Bill. One would expect that the Statement of Objects and Reasons for introducing this Bill would give some idea of the necessity for introducing any change in the existing Act of 1897. It is very disappointing to read the Statement of Objects and Reasons because it is not particularly illuminating, nor does it give any cases to convince us that there is any need for any change in the existing law.

"The only reason that is given in paragraph 1 is that there was a decision of the High Court in 1915 wherein an interpretation was made other than the original intention and therefore the whole thing should be amended. The second reason assigned in the Statement of Objects and Reasons was that they wanted to bring up certain modern ideas and conceptions of survey, and that therefore this Bill also required alteration. We are still left in the dark as to what are those modern principles or modern conceptions of survey which are introduced in the Bill. No explanatory note has been suggested, nor any further information has been provided in the Statement of Objects and Reasons.

14th February 1921] [Rao Bahadur A. P. Patro]

"Two new principles this Bill proposes are: first, in the case of Government lands a very dangerous principle is innovated. I would warn Honourable Members to remember that even according to the provisions of the old Act where survey was made of Government lands, the neighbouring pattadar or landowner was given notice and he had the option of opposing it. It is only in such cases where disputes exist between two neighbouring owners, he had the option of going to the civil courts to have a declaration made of the order of the survey officer as *ultra vires*. But the new Bill proposes that for the purpose of convenience or for other purposes the Government may undertake the survey of a land, but the neighbouring owner has to go to a civil court even though he may not be a party to the survey at the time. Therefore this principle throws the onus on the neighbouring owner to set aside the order of the survey officer. It is only the finality of the principle that I oppose.

"The second principle which is introduced in this Bill is with reference to the estates. I mean it is a principle which goes, I respectfully suggest, to the root of the conditions of the estates. The Government for the purpose of levying water-cess declares that a survey has to be made for its own convenience; the Government declares that a particular area has to be surveyed and for its own purpose, as I said, the proprietor or the estate holder has to pay the cost of the survey or, as the Bill now proposes, it is to be distributed among the various owners, and the rules under which that distribution is to be effected will be made hereafter. The Bill therefore is silent in the matter of these provisions as to how the cost is apportioned, and the Bill also introduces a new principle, that in spite of there being no advantage or even positive disadvantage to the estates, the estates are burdened with these. These are the two new principles which are introduced in this Bill without any justification or reason and therefore the Bill ought not to be accepted."

Sri M. V. Appa Rao Bahadur:—"I object to the introduction of this Bill, because hitherto the Government was surveying the estates on compulsion only for collection of irrigation cess, but now they propose to do it in other areas also on the ground probably that it would be advantageous to the proprietor. It may be advantageous in cases where the cess is fixed at so much per acre, but in many cases the rent is not fixed at so much per acre but so much per field. In many cases the kist is fixed at so much per plough, so that the Government will see that along with the survey they will have to take up the question of settlement of rates also. Another thing is, the cost of survey cannot be as easily recovered from the ryot as the Government does it from the proprietor."

Mr. C. V. S. Narasimha Raju:—"According to the existing law, as interpreted by the High Court, when a survey is not disputed by the party, it gives no finality. Now the Government wants to change this by saying that even in cases where surveys are not disputed, finality must be given. I do agree with the Government that finality must be given, but the process by which they want to give effect to it in this Bill is highly objectionable. Now as it is, in all cases when a survey is undertaken of any Government land or estate a general notification is being given. No specific notification is given to individual owners of land that is being surveyed, or those in the neighbourhood of lands proposed to be surveyed, in which case it is not reasonable to expect that such owners should take notice of a general notification in the district gazette or *Fort St. George Gazette* and should come and wait at the boundaries and see how their lands are surveyed and marked by the surveyors. If specific notifications are given to individual owners of lands or to those in the neighbourhood, we can expect them to be present and dispute any wrong demarcations by survey officers. In cases of proposed survey, a specific notification must be given to all the owners and finality

must be given to survey operations. There is no use of incurring large expenditure either at the expense of the general taxpayer or at the expense of the individual landholders, when the boundary marks fixed are ineffectual and when the parties are at liberty to dispute them in a court of law. The proposed Bill provides that in all cases a specific notice is to be given to the individual owners after the survey is once made, but I propose that the specific notice should be in the beginning itself before any survey is made, instead of a general notification. A specific notice should be given to the individual owners of lands proposed to be surveyed.

"I am not able to understand why the Member for Malabar says that this Bill proposes to confiscate the rights in jenmi lands. I may be excused for not being able to understand the peculiar rights of jenmis, but, as far as the law stands in the proposed Bill, it is clear that all lands which do not belong to private individuals are Government lands. If the people of Malabar have got their rights in jenmi land and Government have no rights therein, their rights are not taken away by the existing law or by the proposed Bill. It is not clear to my mind how their rights are being confiscated. Now, according to the existing law and practice, when any portion of an estate is surveyed for the purpose of levying irrigation cess, the cost is entirely borne by the Government. Now, the Bill proposes that it should be apportioned between the estate owners and the cultivating ryots and the Government. In the first instance, I am not able to understand why the individual landholders should be asked to contribute towards the cost of this. Secondly, there are two different cases which have to be taken into consideration. As far as the Irrigation Cess Act goes, the collection of the cess is from the landholders or from the ryot or from both, according to the peculiar circumstances of each estate. Of course, these matters are scheduled and fixed by rules, and the Act is working and has given satisfaction. And I do not see any reason why these principles should not be accepted and the charges apportioned between the Government on the one hand and the particular landholder or ryot, as the case may be, on the other, according to the peculiarities of each individual estate.

"Now, Sir, the Act provides for a period of three months as limitation for appeals against the orders of the subordinate survey officers to the superior officers. And now it is proposed to cut short that period to one month. The Statement of Objects and Reasons does not assign any reason why this period of three months should be cut short. Nor does the Honourable Member in charge of the Bill explain in his speech why this peculiar deviation is required. And, after all, the three months' period is not too long a period. Now, according to the existing Act, notice is to be given to the landholders to clear off jungles and standing crops, fixing a certain period, and when they do not do so within the period prescribed, the survey officers are given the right to clear off the jungles for the purposes of survey. Now, according to the proposed Bill, no such option is given, no opportunity is given to the landholder, but the surveyor can enter on the land and remove the jungles, standing crops and other things. This gives room for much mischief on the part of the low-paid subordinates of the department. Why should we deviate from the existing practice? What difficulties were there? Nothing is explained in the Statement of Objects and Reasons. The peculiarity of this Bill is that so many changes are proposed in the chapters of this Bill, and the Government do not choose to explain the reasons for them. It is a wonderful thing the Government want to do. I think it is the duty of the Government, when introducing an amending Bill, to state what changes they propose to make, and what are the reasons for proposing such changes. That is the reason why a Statement of Objects and Reasons is appended, and, to my great regret, this Government is deviating from the old or existing practice. We shall not be

satisfied with a short note of the Statement of Objects and Reasons. Again, Sir, this Bill provides for removal of standing crops and other things. It does not provide for compensation to be paid to the owners of lands. I do not see any reason why the general taxpayer is to be profited and why individual landholders be made to suffer by damage caused to their property.

"There is one important chapter in the existing Act which authorizes the Collector to be a sort of arbitrator when disputes arise between two estates for the settlement of boundary disputes. That chapter is entirely omitted and I am not able to find any provision in the Bill giving such power to the Collector. According to the existing Act, when two neighbouring zamindars have got a dispute about a boundary, they have got a right to go to the Collector and say, 'We have come to you, Sir; you had better settle the dispute between us'. Such a provision is omitted in the chapter. I am not able to understand how that chapter is incorporated in the other provisions of the Bill. Now, Sir, there is one more important deviation from the existing Act. The existing Act says that the landholders have got the right, when called upon, to supply labour and survey stones. The cost incurred by the surveyors is recovered from the landholders when they do not supply the same though called upon. That option is now proposed to be removed. It says that the department is going to incur the cost and recover it from the landholders. I object to this principle because, in the first instance, when it is incurred by the landholders, it will be cheaper, and they should be given a chance. Instances are not quoted where this privilege is abused or not taken advantage of. The survey officer can fix a day on which labour as well as survey stones are to be supplied, and if default is made, he may incur the cost at the expense of the landholder. I do not see why this principle should be deviated from and the cost of survey should be made heavier and recovered from the landholder. I am unable to understand Mr. Krishnan Nayar when he says that the cost of survey operations is to be recovered from the landholders. If I understand correctly the existing Act, 'landholders' means persons who own lands under Government. In their case, the cost of stones and of labour is recovered from them. The cost of survey operations (such as the salaries of survey officers) is not recovered, and the new Act does not propose to recover any of these. Now, as regards estates, the existing practice and the existing law is that the whole cost of survey, including pay of surveyors, is to be recovered from estate owners, and, as far as I understand in the Act and the Bill, there is not any deviation from the existing practice or law. Therefore, I am not able to understand Mr. Krishnan Nayar. The Bill is most unsatisfactory, and I oppose it."

Mr. T. A. RAMALINGAM CHETTIYAR:—"Mr. President, I do not agree with all the objections raised to the principles of the Bill. I do not admit for a moment that we ought to accept the Bill as a whole. There are three principles to which objection has been raised. One is with regard to the definition of Government land, involving a question as to the extension of the Act to the different parts of the Presidency. Personally I do not know much about the land tenure of Malabar. I think this is a matter which will have to be discussed in the Select Committee, and if the Select Committee or the Council, after receiving the report of the Select Committee, is satisfied that Malabar is not to be included in the ambit of the Act, then certainly it should be excluded from the operations of this Act. The second principle to which reference has been made is giving finality to the settlement of boundary disputes. There has been a difference of opinion among speakers on this, and I think it is a matter which requires the very careful consideration of the Council. I come from a district which is notorious for murders. These murders are mostly caused by boundary disputes. Unless you have got some Bill by which boundaries are

settled as quickly as possible and as early as possible, I do not see any chance of these murders going down. There are also cases of grievous hurt, rioting, etc., arising out of boundary disputes. I think survey is one of those things that settle boundary disputes. If, as has been decided in the Madras High Court, the survey in undisputed cases does not settle boundaries, it only means that the survey, so far as undisputed boundaries are concerned, has failed in its effect. So, I do not agree with the previous speakers that no case has been made out for introducing this Bill. I agree with Mr. Narasimha Raju in saying that the survey operations as carried out now are not quite satisfactory. In all cases individual notice ought to be given to all parties concerned and opportunity should be given to be present at the time the survey of this land takes place and object when their interests require it. We have to take into consideration the procedure to be adopted with regard to undisputed boundaries, and when once that is settled, I do not see in what way we can take exception to the provisions of the Bill. If we do not take any action in this matter, the result will be instead of finally settling these boundary disputes, we will be starting them. So I welcome the provisions of this Bill in regard to the settling of boundaries finally. I will only add that the provisions proposed with regard to survey ought to be amended and it is for the Select Committee to go into the matter in detail. So I do not think that on that score there should be any objection taken to the provisions of this Bill at this stage.

"The third objection taken was with regard to the survey of estates, and it mainly relates to the recovery of charges incurred from the estates or landholders. It certainly seems that the change now contemplated by the Bill requires explanation. That is also a case I may submit to the Council which will have to be considered by the Select Committee. I do not know whether the Government considers this portion of it relating to the recovery of charges from estate holders as a provision which cannot be changed by the Select Committee. I believe it can be changed. If the Government thinks it cannot be, I do think the attitude is not justified. That is a portion of the Bill which will have to be amended by the Select Committee. So, in my humble view, this Council should not refuse to give its sanction for the introduction of this Bill."

The Raja of Ramnad :—"Mr. President, the Bill is one which affects the holders of estates very considerably and also, I take it from my honourable friend Diwan Bahadur M. Krishnan Nayar, the jenmis of Malabar; so I think every landlord would feel that some of these provisions should be carefully examined before the Bill is introduced into this Council. I find from the Bill itself that it was printed only on the 2nd of this month, and it has hardly been before the public for even a fortnight. So, in these circumstances, Sir, I feel that it ought to be before the public for a sufficiently long time, when they will be able to focus their opinion and consider the Bill and give their considered opinion which would be of much value to this Council. Therefore, I beg to move that the further consideration of this Bill be postponed for another three months."

The Raja of Mandasa :—"I second it."

The Hon'ble the President :—"Has the Honourable Member in charge anything to say against this particular motion proposed and seconded that the consideration of this Bill be postponed for a period of three months ?"

The Hon'ble Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur :—"Mr. President, I have no doubt been considerably profited by the speeches which have been made in the House this afternoon, and I should, I think, feel thankful to some of the members who in essence accept the principles of the Bill, but only

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oppose some of the provisions, as is indeed natural with every enactment. I had hoped that those defects could be rectified at the Select Committee stage which, I think, is the proper stage for levelling up deficiencies and removing all inconsistencies. But, however, I am certainly struck by the observation made by my honourable friend the Raja of Ramnad when he told me that the Bill was published rather early this month, that others outside this Council who might probably wish to study its provisions and offer their opinions have not had the time to do so, and that on that ground the consideration of this subject might be adjourned for some period. I may at once assure the Raja and the other gentleman who seconded him that the Government have not got the least intention of hustling through any measure of legislation, but that on the other hand they wish to give every opportunity to the members of this House and everybody interested in it to express their views. If it is the sense of the House as a whole that this piece of legislation should be postponed for any definite period, I, Sir, on behalf of the Government, will have no objection."

Diwan Bahadur M. RAMACHANDRA RAO :—"Sir, I see very serious objections to the measure and I would heartily support the motion of my friend the Raja of Ramnad. I should think that this Bill should be published in all the languages and everybody should have an opportunity of considering the matter."

Rai Bahadur T. M. NARASIMHA ACHARLU :—"I heartily support the proposal of the Raja of Ramnad that this Bill should be postponed, as I find that the Statement of Objects and Reasons is not at all clear as to why greater powers are sought to be taken by the Government now. How the Government in any way suffered, how the people in any way evaded any of the provisions, do not at all appear in the Statement of Objects and Reasons. I expect that the Government will be pleased to give us ideas as to how the Government are handicapped in the working of the existing Act and how the people were in any way unduly benefited or in any way evaded the present working of the Act. Before the Government would give us substantial instances and good grounds for supposing that they wanted really greater powers, I think greater consideration should be paid for this Bill before it is introduced. I therefore heartily support the proposal of the Raja of Ramnad."

Diwan Bahadur Sir P. TYAGARAYA CHETTI :—"Mr. President, Diwan Bahadur M. Krishnan Nayar seems to have impressed upon my mind that the proposed Bill is a matter that affects a good lot of people and as such I think it requires some time to make the people acquainted with the provisions of the Bill to make any remarks upon it so that the Council may consider them all. As the Raja of Ramnad has pointed out, the publication of the Bill was made hardly ten days ago. It is all to the good that these people should be given sufficient time to consider and consult others to place their views before the Council, and the proposal for an adjournment for three months asked for by the Raja of Ramnad seems to be very reasonable and I am sure the Honourable Member in charge is inclined to grant the three months' time."

The Hon'ble the PRESIDENT :—"Does the Honourable Member in charge want to say anything further?"

The Hon'ble Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I am now in a position to gauge more or less the feeling in this House, and as we have a lot of other items to get through, I think I would simplify the business by agreeing to the adjournment of this measure definitely to the next session."

The Hon'ble the PRESIDENT :—" Will that meet the wishes of the Honourable Members? I take it that the Hon'ble the Raja of Ramnad accepts the amendment in that form."

Diwan Bahadur M. RAMACHANDRA RAO :—" Perhaps, Sir, it would be in order to move another amendment to an amendment. I propose that the words 'the next session' be substituted for 'three months'."

Mr. S. SRINIVASA AYYANGAR :—" I second it."

The motion for adjournment, as further amended, was put to the vote and carried.

Amendments to Standing Orders of the Legislative Council.

The Hon'ble the PRESIDENT :—" The next order of the day No. XII relates to amendments to Standing Orders of the Legislative Council. I much regret that it will not be possible to take up that subject immediately, as under Standing Order No. 77 I have to frame regulations to guide the Council in the matter of electing the members of the Committee which shall sit and consider these Standing Orders. The regulations have been drafted and they will be issued in a day or two. If the Honourable Members have no objection, we will take this up on Friday. Will Honourable Members agree to that course?"

The adjournment was agreed to.

Alteration to rule 26 (1) *Schedule IV of the Madras Local Boards Act*, 1920.

The Hon'ble Mr. P. RAMARAYANINGAR :—" Mr. President, I beg to move the resolution that stands in my name which runs as follows :—

" *That the following draft of the rule proposed to be made by the Local Government under section* 201 *of the Madras Local Boards Act*, 1920, *altering rule* 26 (1) *of Schedule IV of that Act be approved* :—

" *Draft rule.*

" *In exercise of the powers conferred on them by section* 201 (1) *of the Madras Local Boards Act*, 1920, *the Local Government propose to make the following alteration in rule* 26 (1) *of Schedule IV of the said Act* :—

" *For the item*—

	Rs.	As.
' *On every cart*	0	3 '

in rule 26 (1) *of Schedule IV of the Madras Local Boards Act*, 1920, *there shall be substituted the item*

	Rs.	As.
' *On every cart*	0	4 '

" Sir, before the resolution is put to the vote I should like to say a few words in explanation with reference to the change contemplated by the resolution. Sir, hitherto the district boards and taluk boards have had the discretion left to them to have a range in the levy of their toll fees from four annas down to nothing. Now after the introduction of the new Act, Act V of 1920, the maximum rate of toll fee for carts is reduced to three annas. Sir, as a matter of fact till now very many of the district boards have been collecting fees at the maximum rate. With the introduction of the new Act, the maximum rate has to go down from four annas to three annas. The question is whether the change that has been effected in the new Act is justified. I am afraid, Sir, it is not. It really appears to be anomalous that while the new Act has in nearly every other case raised the maximum rate, that Act should reduce the rate in the case of carts laden. Probably the anomaly is due to oversight and it is indeed a pity that this oversight

escaped notice before the Bill was passed into law in 1920. In any case, the change appears to be uncalled for. The district boards have been hitherto levying in many cases fees at the maximum rate and now if they have to reduce the rate to three annas, it will be extremely difficult to raise the rate again to four annas.

"In these circumstances it appears to me necessary that the change recommended is given effect to. It may be said that this change was the result of removing the distinction between carts laden and carts unladen. I believe this argument cannot stand. For, in the first place, such a removal of distinction in the case of horses under 13 hands and horses not under 13 hands is not accompanied by a similar reduction in the maximum rate of toll-fee. The loss that would be incurred by these boards by the reduction of the rates in the case of carts laden cannot be made up by the gain which they are expected to make by raising the rate in the case of the carts not laden. As the Council knows very well, the district boards are not rolling in wealth nor are the Government in a position to subsidise these boards by liberal grants. Perhaps it may be argued that the cartmen are generally poor and any increase in the rate of cart-fee might affect a very poor section of the people. I am inclined to think that the increase in cart-fee is more likely to affect the richer class of people who can afford to hire carts, because the cartmen, the moment the cart-fee is increased, are sure to increase the cart-hire. I think, Sir, the change is absolutely necessary and the sooner it is effected the better. Any time lost is sure to bring on trouble. With this explanation I move the resolution."

Diwan Badadur L. A. GOVINDARAGHAVA AYYAR :—" Mr. President, I rise to a point of order on the ground that this resolution which has been moved by the Honourable Member in charge of Local Self-Government has been given notice of to us only about three days ago. The only Standing Order that I think—I request to be enlightened if I am wrong—which refers to this is the Standing Order No. 53 Standing Order No. 53 says that a Member who wishes to move a resolution shall give 15 days' notice of his intention to do so and there is a proviso which, I submit, cannot apply to the present case. The proviso says that the President, with the consent of the Member of the Government in charge of the department concerned, may allow a resolution to be entered on the list of business with shorter notice than 15 days. I do not know if, in this case, the sanction has been taken. I take it that it has been taken. The wording of the proviso indicates that it contemplates a case wherein the person who moves the resolution is other than the Member of the Government who is in charge of the department concerned. If, therefore, the proviso goes out as being inapplicable to the present case, we are concerned with the substantive portion of the Standing Order which requires that there shall be 15 days' notice given, and a Member of the Government in charge of any department may, my submission is, move a resolution only under this Standing Order, and there is no other rule which enables a Member, so far as I am able to see, to bring forward resolutions for the consideration of this House. If, therefore, so far I am right, it seems to me, Sir, that this resolution is out of order, because 15 days' notice as required by this Standing Order has not been given."

The Hon'ble Rai Bahadur K. VENKATAREDDI NAYUDU :—" I consider that article 53 has application only to resolutions to be moved by Members who are not Members of the Government. The proviso attached to it runs : 'provided that the President, with the consent of the Member of the Government in charge of the department concerned, may allow a resolution to be entered on the list of business with shorter notice than 15 days.' That contemplates that these

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resolutions were intended to be moved by Members other than Cabinet or the Government Members. The rule that is applicable, perhaps, would be rule 29 of the Standing Orders. Whatever it may be, Standing Order No. 53 is not the one applicable to the present case."

Mr. S. SRINIVASA AYYANGAR :—" Mr. President, this raises a very important question. I do not agree with my friend Mr. L. A. Govindaraghava Ayyar in thinking that this Council has no jurisdiction to hear resolutions other than resolutions on matters of general public interest."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—" I did not say so."

Mr. S. SRINIVASA AYYANGAR :—" Resolutions other than resolutions on matters of general public interest can be brought within the House. That must be the reason, I think, that in the revised agenda to-day I find some resolutions regarding the salaries of the Council Secretaries in anticipation of the budget meeting. Otherwise they ought not to have been there. What I wish to know is whether the Hon'ble the Minister for Development is right in his contention. I do not think that he is right in his contention that rule 29 has anything to do with this question. Mr. President, I want to say this : if rule 53 does not apply and 29 cannot apply, then there is no rule permitting any Member of Government to bring a resolution. If the Hon'ble the Minister for Development is right, it is clear that under rule 53 no Member of Government can bring any resolution at all. Therefore it is that this resolution is out of order. It is entirely for the President to rule. My submission is that the Standing Orders are wholly defective."

The Hon'ble the PRESIDENT :—" I consider that this resolution comes under Standing Order No. 53. Standing Order No. 53 (proviso) says that the President, with the consent of the Member of the Government in charge of the department concerned, may allow a resolution to be entered on the list of business with shorter notice than 15 days. I may inform the Council that I did, with the consent of the Member in charge of the Government department, namely, the Hon'ble Mr. Ramarayaningar, excuse the 15 days' notice and directed it to be entered on the list of business. The House will now proceed on the debate of the question at issue."

Mr. R. SRINIVASA AYYANGAR :—" I oppose this resolution. It was represented to us by the Minister for Local Self-Government that As. 3 was put in there by oversight. I am inclined to think that it was put in there after a certain amount of deliberation, and the moment this Act was read by the people up-country, especially those residing in the rural areas, they were profoundly grateful to the Government for the small mercy which they fancied was shown to them in the matter of toll. Now it comes to this : so far as this Council is concerned, the fixation of a small amount is attributed to a mistake or oversight and therefore an attempt is made to have it raised. I notice and perceive in this resolution an attempt to introduce the thin end of the wedge ; for the moment this resolution is adopted, another move may be made at the next session to have the District Municipalities Act amended so far as it relates to the payment of the toll."

The Hon'ble the PRESIDENT :—" Order, order, the Honourable Member should confine his remarks to the Madras Local Boards Act."

Mr. R. SRINIVASA AYYANGAR :—" In the prior Act (I am not referring to the Act recently passed) a laden cart was levied As. 4 and on an unladen cart As. 2 alone, and so far as this Act was concerned it swept away the distinction between the laden and unladen cart, and in this schedule we find As. 3 being inserted to

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cover all cases of carts, laden or unladen. Under the existing Act, there was a difference in the graduated scale. While the toll on an unladen cart was As. 2, that on a laden cart was As. 4. I thought that the legislature had very good reasons for doing away with that distinction and in trying to impose on every cart, irrespective of the fact that it is laden or not, a fee of As. 3 which, I beg leave to submit, is also provided for in the District Municipalities Act. I am not well impressed with the argument of the Hon'ble the Minister and the necessity that he feels for raising it to As. 4. I have no objection for levying As. 4 provided the cart is laden. As he wants to levy As. 4 on every cart without distinction, I feel constrained to oppose it."

The RAJA OF RAMNAD :—" I beg to support the motion for levying As. 4 as an uniform rate, whether for a laden or an unladen cart. The question was considered by the District Board of Ramnad which I have the honour to be the President of, and the Board unanimously resolved to accept this amendment. The fixing of As. 3 was not due to oversight. It was done, I think, by way of compromise. When you have increased the rate for motor-cars from As. 8 to Re. 1 and for motor-buses and lorries from Re. 1 to Rs. 2, and when every other toll has been increased, I do not see any reason why in the case of carts alone the rates should not be increased. In fairness to the owners of other forms of transport, the cart-toll also should be raised. Therefore I strongly support the amendment. I also feel that, if this amendment is not accepted, the loss to local boards will be considerable."

Rao Bahadur T. BALAJI RAO NAYUDU :—" While supporting this resolution, I beg to state for the information of the Council, as a member of the Select Committee, that there was no mistake made. It was not by a mistake that we inserted As. 3. It was fixed at As. 3 because there were in the old Act two rates, one for laden and another for unladen carts. We wanted to fix a uniform rate of As. 3 for each cart, whether laden or unladen, and we advisedly put it. Does the new Act make no provision for a cart which is not laden ? If there is any neeessity for differentiating rates, there ought to be a provision for unladen carts also. I simply want to inform the House that it was not a mistake. I support the resolution, because the district board of which I am the vice-president carried it."

Diwan Bahadur T. DESIKA ACHARIYAR :—" The District Board of Trichinopoly is working at the maximum rate of As. 4 and has been doing so for some time and has incurred obligations on the strength of a toll of As. 4 throughout the district. And having regard to the change that was introduced in the Local Boards Act, a special meeting was convened and the district board has resolved by a majority that As. 4 should be the rate and that the rate should not be reduced. I think the As. 3 was copied from the District Municipalities Act schedule which had been already passed. Whatever may have been the reason for the reduction of the toll from As. 4 to As. 3, it is found absolutely necessary in order to make local boards carry on their work in a proper manner to restore the maximum rate."

Mr. W. VIJAYARAGHAVA MUDALIYAR :—" Mr. President, I beg to support this motion. The district boards are not able to keep their roads in good order. And seeing that tolls for all other kinds of vehicles have been increased, the charges on these carts should also be increased. Further, it must be noted that the traffic of these carts causes greater damage to the road than carriages with rubber tyres, and I think it is only fair that these carts must be made to pay a little higher than what is now allowed. Further, making any difference between carts that are laden and those that are not laden only leads to disputes and

innumerable complaints and also to malpractices of all sorts ; for there would then be many quarrels between cart-drivers who would maintain that the carts were unladen whereas the toll-keeper would say that they were laden. All these difficulties will be avoided if there is a uniform rate. If this rate is not approved, the boards will certainly have to find some other means of imposing additional taxation and the poor people will certainly be troubled to pay. Considering the large expenditure that has got to be incurred in keeping roads in order and also considering the high prices of all materials and the cost of labour, money has got to be found some way, and if you are going to reduce this and if you are going to show concession specially to carts alone, whereas all other kinds of vehicular traffic are penalized abnormally, I think we shall have to impose some other kind of tax on the tax-payer. I therefore think this very small increase from As. 3 to As. 4 is very reasonable and absolutely necessary and I therefore support it."

Rai Bahadur T. M. NARASIMHA ACHARLU :—" Mr. President, perhaps I shall be the only president of a district board who will have to oppose this resolution because I have been charged to do so by my board. My board was unanimously, almost unanimously, of opinion that this toll should not be raised to As. 4 and I have wired to this effect to the Government. As a president I feel quite convinced, after the remarks of the Member of the Government in charge of this resolution, that the district boards are put to great difficulties in finding funds for their daily needs. I adduced all these arguments before the board, but they were not affected. They said that I should go and oppose this resolution in the Council and I am accordingly doing so. But there is also one point which I wish to bring to the notice of the Council because I have had personal experience as a president of the district board and also as a member of the public. My district, Sir, is a very backward district. It is backward in every respect. Mr. Ramalingam Chettiyar said his district boasted of murders. But I fancy it is not in any way superior to my district even in regard to murders. In fact, I may claim that my district stands first in that respect. As for our roads we have got the worst of roads. As for the number of rivers, in fact almost all the rivers that run in this Presidency have their course in our district so that, personally speaking as president of the district board, I should welcome such a change. But the experience that I was alluding to was this. The cart-owners hitherto had to pay As. 4 on every laden cart. On every cart not so laden they had to pay As. 2. Well, Sir, my district does not boast of big carriages or bicycles or motor bicycles or tricycles or motor-cars or any such thing. And I have to travel only in a country cart if I have to do any portion of my duty satisfactorily. The cartman does not know that I am the president. As soon as we approach the toll-gate, within two furlongs—that is the limit within which he can evade toll—just as I am within two or three furlongs, he cries ' Sir, Sir, get up, just come walking because otherwise I shall have to pay As. 4 whereas it is only As. 2 if the cart is not laden ' I would then say ' No. I shall pay out of my pocket the extra As. 2.'

" So we can easily understand how cart-owners could easily evade the payment of the higher rate. Now, Sir, it occurred to me that when the rate was modified, i.e., when the As. 4 and the As. 2 were modified to a uniform rate of As. 3 whether the cart was laden or unladen, there was some reason for it, because it would prevent the evasion of As. 4 toll by the cart-owners and I think, Sir, even now, if this uniform rate were adopted, there would not be a fall in the revenue, because we shall get As. 3 uniformly for every cart, whereas hitherto we were practically getting only As. 2. It is only in this view that the board passed their resolution and I think there was some reason in that."

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Diwan Bahadur P. KESAVA PILLAI :—"I heartily support the resolution brought forward by the Hon'ble the Minister. I believe there will be a fall in the revenue. So far as my district is concerned, we have got a heavy expenditure to bear with always a minus balance. We are now collecting As. 4 for a cart and to reduce the toll by anna 1 will affect the income from that source to a considerable extent. This is an indirect taxation which we are able to collect without much difficulty to the community. If we allow such an income to be reduced, we may be driven to the necessity of imposing some direct taxation on the ryot population. I would therefore support the Minister's proposal."

Diwan Bahadur M. RAMACHANDRA RAO :—"Mr. President, I only wish to enquire how many of these boards have asked for the change. I wish to do so because that would clear the ground among all the Members before asking for this change."

The Hon'ble Mr. P. RAMARAYANINGAR :—"Sir, before I gave notice of this resolution, I made enquiries from the presidents of district boards and as many as 22 of them replied to the query, and out of these 22, 17 were in favour of the change."

The Hon'ble the PRESIDENT :—"I think we shall take a division upon the question. I think the Council will agree that the question has been sufficiently discussed. Whether you will permit me to take a division is a matter for your consideration."

Mr. C. V. S. NARASIMHA RAJU Garu :—"The presidents of the district boards were asked to give their individual opinion and the district boards also were asked to give their opinion. I wish to know how many district boards have voted in favour of this change."

The Hon'ble Mr. P. RAMARAYANINGAR :—"I cannot say offhand how many of them did consult their boards; but I can assure the Member that very many of them did consult their boards and the opinions expressed by them were the opinions of the district boards."

Rao Bahadur A. P. PATRO :—"I move that the question be now put."

The motion, that the question be now put, having been put and carried *nem. con.*, the resolution was then put to the vote and carried.

The Hon'ble the PRESIDENT :—"The first subject to-morrow is the resolution of the Hon'ble Mr. Subbarayalu Reddiyar, which we have deferred for being taken up to-morrow. That will be taken up first. Then we will go to the resolutions on matters of general public interest on which I think I have to say a word of explanation to Honourable Members. I want to tell them that it is for them to ballot for precedence in regard to these resolutions. But a ballot could however not be taken in their absence. These resolutions were arranged in this order by the Secretary to the Council under my general direction, and I think we used our discretion as best we could. If Honourable Members generally are satisfied with the arrangement, we shall proceed with the agenda as it stands on the paper. If, however, it is the wish of any Honourable Member to proceed to ballot, I have no objection to allow it, in which case the ballot will be fixed at half past six or so with the Secretary; and those who want it will have to be here. It is for the Honourable Members to decide what course they would pursue."

As the general wish of the Council was to proceed with the agenda as it stood on the paper, the President declared that that course would be followed and adjourned the Council to 11 a.m. next day.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.